




## ZONING ORDINANCE

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# **CITY OF PALMDALE**

## **ZONING ORDINANCE**

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Adopted by City Council  
December 14, 1994

# CITY OF PALMDALE

## ZONING ORDINANCE

Ordinance No. 1111  
Enacted by the City Council  
on the 11th day of May, 1971

Chapter 11.1  
Zoning Ordinance  
Section 11.01.01  
General Purpose

Section 11.01.02  
Zoning Map

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**CHAPTER 1 ARTICLE 10  
INTRODUCTORY PROVISIONS**

**PALMDALE ZONING ORDINANCE**

An ordinance providing for the creation of zones in the incorporated area of the City of Palmdale and prescribing area requirements, classes of uses and standards of development for buildings, structures, improvements and premises in said several zones. The City Council of the City of Palmdale does ordain as follows:

**CHAPTER I  
GENERAL PROVISIONS**

**ARTICLE 10 INTRODUCTORY PROVISIONS**

**Section 10.01 Authority for this Ordinance**

This Ordinance is adopted under the authority granted to the City of Palmdale by Article 11, Section 7 of the California Constitution and in accordance with the requirements of California Government Code Sections 65800 et. seq. and 66410 et. seq.

**Section 10.02 Short Title**

This Ordinance shall be known as the "Palmdale Zoning Ordinance."

**Section 10.03 Replacement of Previous Ordinances**

The provisions of this Ordinance insofar as they are substantially the same as the provisions of any ordinance or portions of any ordinance repealed by this Ordinance shall be construed as restatements and continuations thereof, and not as new enactment's.

## **CHAPTER 1 ARTICLE 10 INTRODUCTORY PROVISIONS**

### **Section 10.04 Purpose**

The purpose of this Zoning Ordinance is to promote the public health, safety, and general welfare and to preserve and enhance the quality of life within the City by establishing regulations to ensure that an appropriate mix of land uses is developed in an orderly manner. To achieve this purpose, the City desires to achieve a pattern and distribution of land uses which generally meets the following objectives:

- A. To implement the goals, objectives and policies of the General Plan;
- B. To retain and enhance established residential neighborhoods, commercial and industrial districts, public facilities, recreation, open space and other amenities;
- C. To allow for the infill and redevelopment of areas at similar scale and character;
- D. To accommodate expansion of development into vacant and under-utilized lands, while considering environmental and infrastructural constraints;
- E. To provide a diversity of areas throughout the community characterized by differing land use activity, scale and intensity;
- F. To maintain and enhance significant environmental and visual resources;
- G. To provide opportunities for economic development, including business creation and expansion in a variety of manufacturing, service and marketing industries; and
- H. To establish Palmdale as a distinctive community with a high quality of life and a visually pleasing, secure environment for the City's residents and businesses.



**CHAPTER 1 ARTICLE 10  
INTRODUCTORY PROVISIONS**

**Section 10.05 Prohibitions**

**A. General prohibitions**

1. No structure shall be moved into an area, erected, reconstructed, added to, enlarged, advertised on or structurally altered or maintained, and no structure or land shall be used for any purpose, except as specifically provided and allowed by this Zoning Ordinance and any other applicable codes, ordinances and resolutions.
2. No person shall use or permit to be used any structure or land, nor shall any person erect, structurally alter or enlarge any structure or advertise on any structure except in accordance with the provisions of this Zoning Ordinance and any other applicable codes, ordinances and resolutions.
3. No permit or entitlement may be issued or renewed for any use, construction, improvement or other purpose unless specifically provided for, or permitted by, this Zoning Ordinance, and any other applicable codes, ordinances and resolutions.

**B. Violations**

Any person violating any provision of this Zoning Ordinance, or any amendment thereto, is guilty of a misdemeanor. Each violation is a separate offense for each and every day during any portion of time during which the violation is committed and is subject to the penalties specified in Chapter 1.12 of the Palmdale Municipal Code.

**C. Public nuisance**

Any use of property contrary to the provisions of this Zoning Ordinance is illegal and is deemed to be a public nuisance. The authorized legal representative of the City may commence actions and proceedings for the abatement thereof, in the manner provided by law, and may take such other steps and may apply to

## **CHAPTER 1 ARTICLE 10 INTRODUCTORY PROVISIONS**

any court having jurisdiction to grant such relief as will abate or remove such use, and restrain and enjoin any person from using any property contrary to the provisions of this Section.

### **D. Injunctions**

The provisions of this Section may also be enforced by injunction issued by any court having jurisdiction over the owner or occupant of any real property affected by such violation or prospective violation.

### **E. Enforcement**

The Director of Planning, Senior Code Enforcement Officer, or any representative thereof designated by the Director, is hereby authorized to notify, cite and take legal action against any person who is in violation of the provisions of the Zoning Ordinance.

### **Section 10.06 General Plan Consistency**

The Zoning Ordinance is the primary tool for implementing the goals, objectives and policies of the Palmdale General Plan, pursuant to the mandates of State law. All development proposals within the incorporated area of the City shall be found to be consistent with the General Plan, prior to approval.

No land shall be developed nor shall any use be initiated which is not found to be in conformance with the General Plan, applicable Specific Plan, Zoning Ordinance or other applicable provisions of the City of Palmdale Municipal Code.

**ARTICLE 11 SCOPE**

**Section 11.01 Minimum Requirements of this Ordinance**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, morals and general welfare.

**Section 11.02 Replacement of Other Ordinances**

The provisions of this Ordinance shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this Ordinance is more restrictive than such other ordinance, or part thereof; and that in all particulars wherein this Ordinance is not more restrictive, each such other ordinance shall remain in full force and effect.

**Section 11.03 Compliance with Other Ordinances and Laws**

Nothing in this Ordinance shall be construed to authorize the use of any lot or parcel of land in violation of this Ordinance or any other applicable statute, ordinance or regulation.

**Section 11.04 Reference to any Portion of this Ordinance**

Whenever reference is made to any portion of this Ordinance, or of any other law or ordinance, the reference applies to all amendments and additions now or hereafter made.

## **CHAPTER 1 ARTICLE 11**

### **SCOPE**

#### **Section 11.05 Severability of any Portion of this Ordinance**

Provisions of this Title are declared to be severable. If any provision, clause, sentence, section, or any part thereof is held to be unconstitutional, invalid, or inapplicable to any person or circumstance by a court of competent jurisdiction, such unconstitutionality, invalidity, or inapplicability shall not affect or impair any of the remaining provisions, sentences, sections, or parts of this Title or their applicability to other persons or circumstances.

#### **Section 11.06 Continuation of Previously Granted Variances**

All exceptions and variances heretofore granted pursuant to the provisions of Ordinance No. 140 shall be deemed to exist hereafter as variances pursuant to Article 23 (Variances), and shall be subject to all the conditions and provisions governing such variances upon the effective date of this Ordinance.

#### **Section 11.07 Continuation of Previously Granted Permits**

All permitted uses heretofore lawfully existing under Ordinance No. 140 shall continue in effect until revoked or terminated and shall be continued under this Ordinance and shall be subject to all conditions governing such permit.

#### **Section 11.08 Continuation of Previously Adopted Development Agreements**

Nothing in this Ordinance shall be interpreted to supersede the provisions of a development agreement which was adopted prior to the effective date of this Ordinance and which is still in effect. However, in any instance where a development agreement is silent on standards, requirements or other provisions as contained in this Ordinance, and such provisions are not in conflict with that development agreement, the Zoning Ordinance shall apply.



**Section 11.09 Continuation of Existing Nonconforming Uses**

Any use established or conducted, or any building or improvement lawfully existing as a nonconforming use prior to the effective date of this Ordinance pursuant to Ordinance No. 140 shall be deemed to be continued under this Ordinance, and in determination of the termination date established by this Ordinance, shall be computed from the original date it became nonconforming under said Ordinance No. 140.

**Section 11.10 Lawfully Established Uses Made Nonconforming Because of Changes in Standards of Development**

A use which was lawfully established but was made nonconforming (as defined in Section 16.14) because of changes in standards of development may be changed or expanded as provided in Article 29 (Nonconforming Uses and Structures) subject to all other provisions of this Ordinance or any other ordinance or law.

**Section 11.11 Procedures Regarding Pending Proceedings**

- A. Except as otherwise provided in this Section, after the effective date of this Ordinance, any pending application or project which has not been deemed complete shall be subject to the applicable provisions of this Ordinance. Any pending application, project or proceeding which has been deemed complete shall be subject to the provisions of the Zoning Ordinance of the City of Palmdale which were in effect on the date such proceeding was deemed complete.
- B. The Planning Director may determine that the approval of a Subdivision Development Plan (SDP) pursuant to Section 26.02 is subject to the side yard setback provisions in effect as of the effective date of the tentative tract approval in which the lot is located; provided that evidence submitted by the developer substantiates that the project met any one of the following criteria on the effective date of this Ordinance, and that said criterion is still met on the date of SDP submittal for each lot on which the exemption is sought.

## **CHAPTER 1 ARTICLE 11**

### **SCOPE**

1. The lot is in a recorded tract in which infrastructure or improvements have been constructed which would preclude adherence to Section 41.09.D.2 of this Ordinance without substantial expense on the part of the builder or developer. Such improvements could include, but are not limited to, utility stub-outs, individual lot grading, curb cuts or driveways.
2. The lot is part of an approved tentative tract map within which at least one phase has been recorded and in which construction is underway, based on building plans or model homes with five (5) foot setbacks on each side; provided, however, that if the lot is in a phase of said map which is proposed for development with a different product type than those depicted in the originally approved building plans or model homes, then the lot shall adhere to all applicable provisions of this Ordinance.

#### **Section 11.12 License Approval Continued**

The rights given by any permit, license or other approval under any ordinance repealed by this Ordinance, shall not be affected by such repeal, but such rights shall hereafter be exercised in accordance with the provisions of this Ordinance.

#### **Section 11.13 Violation of Previous Ordinance**

Any use established or conducted, or any building or improvement existing in violation of the Zoning Ordinance upon the effective date of this Ordinance, shall not be deemed to have acquired the status of a nonconforming use by reason of the adoption of this Ordinance, or any provision thereof. To the extent that such use, building or improvement was a violation of any ordinance, statute or law, or is a violation of this Ordinance, it shall be deemed a continuing violation.

**Section 11.14 Conviction of Crime Continued**

Any conviction for a crime under any ordinance which is repealed by this Ordinance, which crime is continued as a public offense by this Ordinance, constitutes a conviction under this Ordinance for any purpose for which it constituted a conviction under such repealed ordinance.

**Section 11.15 Private Agreements**

The provisions of this Zoning Ordinance are not intended to abrogate any easements, covenants, conditions and restrictions or other existing private agreements which are more restrictive than the provisions of this Zoning Ordinance.

**Section 11.16 Interpretation of Language**

In the event the Zoning Ordinance requires interpretation, the Planning Director may make the interpretation or may refer the matter to the Planning Commission for action. The Planning Commission shall be the final authority unless the matter is appealed to the City Council, pursuant to Section 20.11.

**Section 11.17 Similar Use Determination**

The Planning Director may authorize a use not listed within a zoning district if the Planning Director makes a determination that the use is similar to, and no more objectionable than other uses permitted or conditionally permitted in the zoning district, pursuant to Section 24.12 (Determination on Unlisted Uses).

**Section 11.18 Repeals**

This Ordinance supersedes Ordinance No. 140, and all subsequent amendments thereto.





**CHAPTER 1 ARTICLE 12  
DELEGATION OF AUTHORITY**

**ARTICLE 12 DELEGATION OF AUTHORITY**

**Section 12.01 Planning Commission**

- A. Creation of Planning Commission - There is hereby created a Planning Commission for the City of Palmdale.
- B. Administration and enforcement - The Planning Commission is hereby vested with the duty of administering and the power of enforcing this Ordinance.
- C. Members of Planning Commission - The Planning Commission shall consist of five members. Such members shall be residents of the City of Palmdale during their term of office. No member shall be a member of the City Council.
- D. Terms of office - Members of the Planning Commission shall serve for a term of two years. Of the first members appointed to the Commission pursuant to this Ordinance, three shall be appointed to serve two years and two shall be appointed to serve one year. Thereafter, all appointments or reappointments will be for full two-year terms.
- E. Chairman of Planning Commission - The members of the Palmdale Planning Commission shall, by election, select their own chairman to preside over their meetings.
- F. Selection of Planning Commission - The members of the Palmdale Planning Commission shall be appointed by the City Council and the affirmative vote of a majority of the members of the City Council shall be required to appoint any such commissioner. Commissioners may also be removed prior to the expiration of their term by a vote of a majority of the members of the City Council.
- G. Vacancy on Planning Commission - Any vacancy occurring on the Planning Commission shall be filled by the City Council by a majority vote of the members of said City Council, and any person appointed to fill such a vacancy shall serve

## **CHAPTER 1 ARTICLE 12**

### **DELEGATION OF AUTHORITY**

for the remainder of the term of the commissioner whose office has been vacated.

- H. Powers and duties of Planning Commission - The Planning Commission shall have all of the powers and all of the duties conferred upon it by this Ordinance, or by amendment of this Ordinance, and no other.

#### **Section 12.02 Regulation of Power or Duty by the Commission**

Whenever by ordinance an administrative power is granted to or an administrative duty imposed upon the Commission, the Commission may authorize or instruct the Director to exercise such administrative power, or perform such administrative duty. The Director shall exercise all such powers and perform all such duties as instructed by the Commission.

#### **Section 12.03 Assumption of Power or Duty of Public Officer**

Whenever a power is granted to, or a duty imposed upon a public officer by this Ordinance, the power may be exercised, or the duty may be performed by the Commission, a deputy of the public officer, or a person authorized, pursuant to law or ordinance, by said officer, unless this Ordinance expressly provides otherwise.

CHAPTER 1 ARTICLE 13  
DESIGNATION OF ZONES AND DISTRICTS

**ARTICLE 13 DESIGNATION OF ZONES AND DISTRICTS**

**Section 13.01 List of Zones**

The following zones are established in order to carry out the purpose of this Ordinance:

A-1	(Light Agriculture)
R-1	(Single Family Residential)
R-2	(Medium Residential)
R-3	(Multiple Residential)
C-1	(Light Commercial)
C-2	(Office Commercial)
C-3	(General Commercial)
C-4	(Commercial Center)
C-5	(Service Commercial)
M-1	(Light Industrial)
M-2	(General Industrial)
M-3	(Airport Industrial)
M-4	(Planned Industrial)
PF	(Public Facilities)
QR	(Quarry and Reclamation)
MX	(Mixed Use Transitional)
OR	(Open Space and Recreation)

**Section 13.02 Suffixes to Symbols**

The following additional symbols are established in order to carry out the purpose of this Ordinance:

**CHAPTER 1 ARTICLE 13**  
**DESIGNATIONS OF ZONES AND DISTRICTS**

**A. Units per acre of net area**

The letter "U" in combination with a numeral shall specify the density per net acre when used as a suffix to a zoning symbol. In no case shall a density figure be rounded up.

**B. Minimum lot size**

1. A numeral following the zone designation shall specify the minimum lot size permitted. Where this numeral is over one thousand (1,000), the designated lot size shall signify square feet. Where less than one thousand (1,000), the designated lot size shall signify acres.
2. In all cases, the minimum lot size specified by the zoning designation shall mean net lot area, excluding dedications for right-of-way and easements.

**C. Notwithstanding any provision contained in this section, in no case shall the density allowed on any lot exceed that permitted by the underlying General Plan designation for the property.**



**ARTICLE 14 MAPS**

**Section 14.01 Zoning Maps**

There is hereby adopted the "Official Zoning Map of the City of Palmdale" as attached hereto and set forth herein. All property within the City is hereby placed in such zones as indicated on said map, and no property shall be used except in accordance with the zoning designations on said map and the provisions of this Ordinance. Said map shall be maintained in the City offices by the City Clerk and duly certified by him or her. All amendments to the Official Zoning Map shall be noted thereon with the date of the amendment and references to the amending ordinance. Said Official Zoning Map is hereby made a part of this Ordinance and may be amended by reference thereto and to this Section.

**Section 14.02 Uncertainty of Boundaries**

Where uncertainty exists as to boundaries of any zone shown upon the zoning map, or any part thereof, the following provisions shall apply:

- A. Where a boundary follows a public or private street or alley, the centerline of the street or alley shall be the boundary.
- B. In the case where a zone boundary divides a lot or parcel, the location of such boundaries, unless said boundary is indicated by dimensions or legal description, shall be determined by use of the scale appearing on said zoning map.
- C. Where a public highway, street or alley, or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street or alley shall acquire the zone classification of the property to which it reverts. Where the centerline of the vacated right-of-way forms a zoning boundary, the zoning boundary shall remain.

**CHAPTER 1 ARTICLE 14**  
**MAPS**

- D. Areas in dedicated highways, streets or alleys, or in railroad rights-of-way, other than as are designated on the zoning map as being classified in one of the zones provided in this Ordinance, shall be deemed to be in Zone PF (Public Facilities), and in the case of highways, streets or alleys permitted to be used only for purposes lawfully allowed, and in the case of railroad rights-of-way be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and the movement of rolling stock.

**ARTICLE 15 TERMINOLOGY**

**Section 15.01 Gender**

When consistent with the context, words in the masculine gender include the feminine and neuter genders.

**Section 15.02 May**

"May" is permissive.

**Section 15.03 Oath**

"Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, lent to the words "affirm" and "affirmed."

**Section 15.04 Plural**

When consistent with the context, words in plural include the singular.

**Section 15.05 Shall and Must**

"Shall" and "must" are each mandatory.

## **CHAPTER 1 ARTICLE 15 TERMINOLOGY**

### **Section 15.06 Singular**

When consistent with the context, words in the singular number shall include the plural.

### **Section 15.07 Tenses**

When consistent with the context, words used in the present tense include the past and future tenses; and words in the future tense include the present tense.



ARTICLE 16 DEFINITIONS

For the purpose of carrying out the intent of this Ordinance, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this Article.

Section 16.01 (A)

**Abandon** shall mean to cease or suspend from developing or maintaining a building or use for a stated period of time.

**Abandoned Activity** shall mean a business or activity with no reported sales or activity for a period of at least one hundred eighty (180) days. Exceptions are temporary closures for repairs, alterations or other similar situations.

**Adult-Oriented Businesses** are defined in Section 92.05.B. (*Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.*)

**Abut or Abutting** shall mean the same as **Adjacent**.

**Access** shall mean the place or way by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

**Accessory** shall mean a use or structure customarily incidental to a building, part of a building or structure, which is subordinate to and the use of which is incidental to and detached from the main building, structure or use on the same lot. If a structure is attached to the main building by a common wall, or by a continuation of the roof of the main building, such structure shall be considered a part of the main building.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Action** shall mean a decision made by the reviewing authority on a land use application, by a process as specified in this Ordinance.

**Addition** shall mean any construction which increases the size of a building, dwelling or facility in terms of site coverage, height, length, width, or gross floor area, occurring after completion of the original structure or facility.

**Adjacent** shall mean two (2) or more lots or parcels of land separated only by an alley, street, highway or recorded easement, or sharing a common boundary of at least one point.

**Adult-Oriented Businesses** shall mean the same as **Sexually-Oriented Businesses**.

**Agent** shall mean any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

**Agriculture** shall mean the cultivation of row, field or tree crops, floricultural specialties, or the raising of animals, on a large-scale basis, for commercial purposes.

**Aircraft** shall mean any device used, or designed for flight in the air, and capable of conveying persons or goods.

**Airport** shall mean any area of land or water which is used or intended to be used for the landing and taking off of aircraft regulated by the FAA and any appurtenant areas used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

**Alcohol-Related Establishments** shall mean those establishments which are required to obtain a State Alcoholic Beverage Control License type 20 (off-sale beer and wine), type 21 (off-sale general), type 40 (on-sale beer), type 41 (on-sale beer and wine eating place), type 42 (on-sale beer and wine, public premises), type 47 (on-sale general

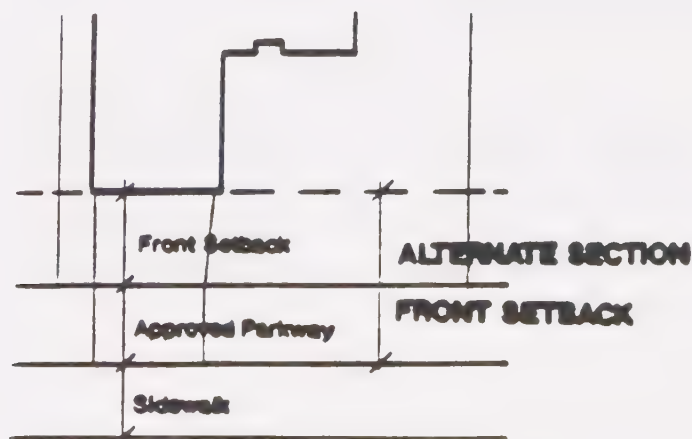
## CHAPTER 1 ARTICLE 16 DEFINITIONS

eating place), type 48 (on-sale general bar), type 52 (veteran club) or type 63 (beer and wine hospital), or comparable license type, and which sell or serve alcoholic beverages for on-site or off-site consumption either as a primary or accessory use. Bona fide restaurants, drug stores and food markets which allocate less than ten (10) percent of the gross floor area for alcohol sales, are not included within this definition. For definitions of other terms pertaining to alcohol-related establishments, see Section 92.07 of this Ordinance. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)

**Alley** shall mean any public thoroughfare, having a width of not more than thirty (30) feet, which affords only a secondary means of access to abutting property.

**Alteration** shall mean any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

**Alternate Section** shall mean a method of delineating the required front yard area on single family residential lots, which allows the required building setback to be measured from back of sidewalk rather than from the public right-of-way. This method was utilized on certain subdivision maps within the City of Palmdale before 1988, and is no longer in use on new development.



## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Amendment** shall mean a change in the wording, context or substance of this Ordinance, or a change in the zoning maps, which are part of this Ordinance when adopted by ordinance by the City Council in the manner prescribed by law.

**Amusement Arcade** shall mean any establishment, room or place where more than four (4) amusement machines are available for public use.

**Amusement Machine** shall mean any device, whether mechanical, electrical or electronic, or similar object, which by payment of a fee, or insertion of a coin or token, may be operated for the primary purpose of amusement. The term amusement machine does not include any device or object the primary purpose of which is to play music.

**Animal Enclosure** shall mean any pen, corral or fenced area intended for confinement of animals.

**Animal Hospital** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment.

**Animals, Domesticated Pets**, shall mean any animal customarily kept as a household pet, not including wild or exotic animals.

**Animals, Farm**, shall mean any animal customarily raised for agricultural purposes, not including wild or exotic animals.

**Animals, Wild or Exotic**, shall mean any warm or cold-blooded animal not normally maintained in a dwelling unit with people, not considered domesticated within California or requiring a permit from the State of California Department of Fish and Game.

**Antenna, Vertical**, shall mean a device for transmitting or receiving radio, television, or any other transmitted signal.



**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

**Apartment** shall mean a room or group of two (2) or more rooms within a building containing separate living facilities for four (4) or more families, which is constructed, designed, intended for or actually used by a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer.

**Apartment Building** shall mean a building, or a portion of a building, designed or used for occupancy by four (4) or more families, living independently of each other and containing four (4) or more dwelling units.

**Applicant** shall mean owner(s) or lessee(s) of property or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agent(s) of such persons.

**Application** shall mean the form and information submitted by an applicant, which is used by the City to determine whether to approve or deny permits or other entitlements for use.

**Approval** shall mean the action taken by the **Reviewing Authority** pursuant to this Ordinance to approve or conditionally approve an application for a land use entitlement and related permits.

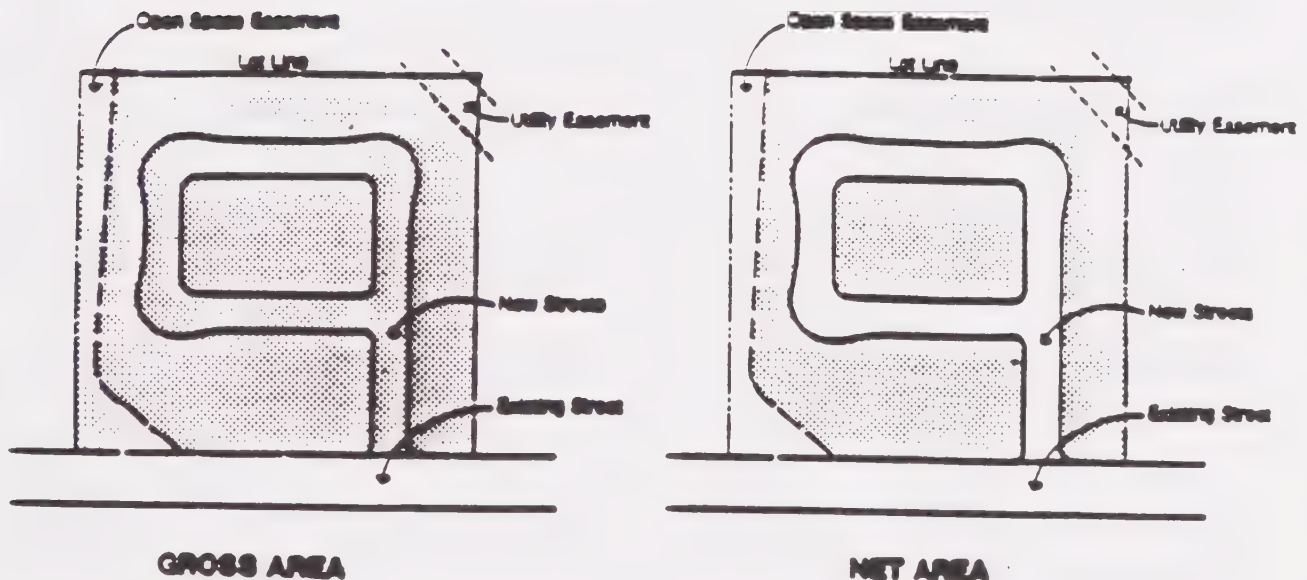
**Area** as used in this Ordinance shall mean net area unless otherwise specified.

**Area, Gross**, shall mean that area of a lot or parcel of land inclusive of the following, except as otherwise provided in Article 81 (Lot Area):

1. Public alleys, highways or streets; or
2. Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or

**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

3. Other public or private easements where the owner of the property does not have the right to use the entire surface of the land.



**Area, Net,** shall mean that area of a lot or parcel of land exclusive of the following, except as otherwise provided in Article 81 (Lot Area):

1. Public alleys, highways or streets, except as provided in Section 81.01; or
2. Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or

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3. Other public or private easements where the owner of the property does not have the right to use the entire surface of the land.

**Arterial, Major**, shall mean an arterial shown as such on the Circulation Map of the City of Palmdale General Plan.

**Arterial, Regional**, shall mean an arterial shown as such on the Circulation Map of the City of Palmdale General Plan.

**Arterial, Secondary**, shall mean an arterial shown as such on the Circulation Map of the City of Palmdale General Plan.

**Assessor** shall mean the Assessor of the County of Los Angeles.

**Attached** shall mean any structure that has an interior wall or roof in common with another structure.

**Automobile Dismantling Yard** shall mean any premises used for the dismantling or wrecking of vehicles required to be registered under the Vehicle Code of the State of California including the buying, selling or dealing in such vehicles or the integral parts or component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperative vehicles. Automobile dismantling shall not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage, automobile body and fender repair shop or automobile impound yard.

**Automobile Impound Yard** shall mean facilities designated or maintained by a governmental agency for the temporary storage of vehicles legally removed or impounded by a peace officer from public or private property as prescribed by law.

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### DEFINITIONS

**Automobile Repair, General** shall mean establishments engaged in general automotive repair, including but not limited to regular maintenance services, engine repair, transmission repair, radiator repair, exhaust system repair, brake relining, and wheel alignment.

**Automobile Repair, Heavy** shall mean establishments engaged in major auto repair, including but not limited to body and fender repair, body painting, reupholstery, and engine replacement.

**Automobile Repair, Light** shall mean establishments engaged in minor auto repair, including but not limited to lubrication, engine tuning, smog check stations, minor tire repair, and minor parts replacement.

**Automobile Sales Lot** shall mean an open area used for display, sale and/or rental of new or used automobiles

**Automobile Service Station** shall mean an establishment primarily engaged in selling gasoline and other automotive fuels, lubricating oils and performing minor repair work, and which does not fall within the definition of a **Convenience Store** as defined in Section 16.03. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)

**Awning** shall mean a shelter projecting from and supported by an exterior wall of a building and constructed of nonridged materials on a supporting framework.

#### Section 16.02 (B)

**Basement** shall mean any floor level (story) which is partly or completely below grade. A basement shall be counted as a story for the purposes of height measurement where any portion of a basement has more than one-half (1/2) of its height above grade.



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DEFINITIONS

**Bed and Breakfast** shall mean a transient lodging establishment, typically limited to twenty (20) or less rooms with a common dining area, primarily engaged in providing overnight or otherwise temporary lodging for the general public, which is inhabited as a primary residence by the owners or operators, and which may provide meals to the extent permitted by law.

**Berm** shall mean a mound or embankment of earth.

**BIA** refers to the Building Industry Association, Antelope Valley Chapter.

**Biosolid Material** shall have the same meaning as **Sludge**. (*Zoning Ordinance Amendment 97-1 adopted by City Council August 13, 1997.*)

**Boarding House** shall mean the same as **Rooming House**.

**Borrow Pit** shall mean the same as **Quarry**.

**Buildable Area** shall mean the portion of the lot remaining after deducting all required setbacks and easements from the gross area of the lot.

**Building** shall mean any structure for the shelter, housing or enclosure of any person, animal, article or chattel and when any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building.

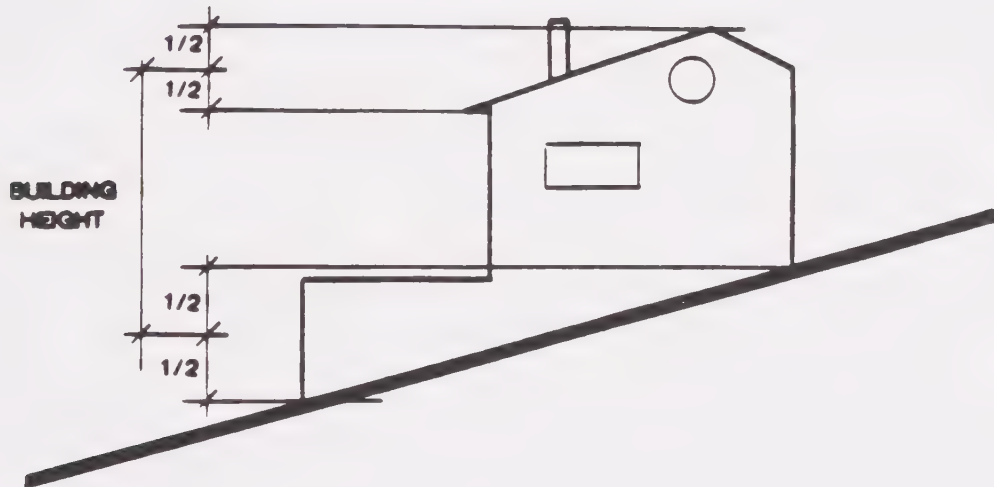
**Building, Accessory.** See **Accessory**.

**Building Coverage** shall mean the percent of lot area which may be covered by all buildings or roofed structures. This includes all accessory buildings or structures, balconies, covered patios, covered entryways and any similar structures that reduce the amount of lot area open to the sky.

## CHAPTER 1 ARTICLE 16 DEFINITIONS

**Building Distance, Minimum**, shall mean the shortest distance measured from any point between buildings, exclusive of any permitted projections which are regulated separately.

**Building Height** shall mean the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point on the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.



**Building, Principal**, shall mean one (1) or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

**Building Setback Line** shall mean that line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

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**Building Site** shall mean the ground area of:

1. All or a portion of a lot or parcel of land, or
2. All or a portion of two (2) or more lots or parcels of land, when used in combination for a building or group of buildings, together with all yards and open spaces required by this Chapter.

**Business Office** shall mean an office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of client payments, and the keeping of records and accounts pertaining to a business.

**Business or Commerce** shall mean the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood, and shall include office buildings, offices, recreational or amusement enterprises.

**Section 16.03 (C)**

**Care Facility, Residential**, shall mean a residential facility which serves six (6) or fewer persons, who may be related or unrelated, and which provides care, supervision and/or rehabilitation services to the residents on a 24-hour per day basis. This term may include residential care facilities for the elderly, mentally disabled, or handicapped persons, or dependent and neglected children, or alcoholism or drug abuse recovery facility for six (6) or fewer residents.

**Care Facility, Social**, shall mean a public, private or institutional facility which is licensed to serve seven (7) or more persons, who may be unrelated or related, and which provides lodging, meals, care, supervision and/or rehabilitation services on up to

## CHAPTER 1 ARTICLE 16

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a 24-hour per day basis for compensation. This term may include transitional housing, congregate living health facility, intermediate care facility, pediatric day health and respite care facilities, and alcoholism or drug abuse recovery facility, for seven (7) or more residents, but excludes cases of contagious or communicable diseases, and surgery or primary treatments such as are customarily provided in sanitariums and hospitals.

**Caretaker's Unit** shall mean a dwelling unit accessory to a principal use on a site and intended for occupancy on the same site by a caretaker, security guard, servant, or similar position requiring residence on the site, exclusive of a hotel/motel manager's unit.

**Carport** shall mean a permanent roofed structure not completely enclosed, used or intended to be used for vehicle parking.

**Cellar** shall mean the same as **Basement**.

**Cemetery** shall mean land used or intended to be used for the burial or interment of the dead and dedicated for cemetery purposes. Cemetery includes columbaria, crematories and mausoleums, and may include chapels when operated in conjunction with and within the boundary of such cemetery.

**Certificate of Occupancy** shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable municipal codes, ordinances and conditions of approval.

**Churches** shall mean any building or structure, or groups of buildings or structures, which are primarily intended for the conducting of organized religious services and church related activities, exclusive of schools, including preschool through high school.



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DEFINITIONS

**City** shall mean the City of Palmdale, California, or the area within the territorial limits of the City of Palmdale, California, and such territory outside of the City of Palmdale, California, over which the City of Palmdale, California, has jurisdiction or control by virtue of any constitutional or statutory provision.

**Club** shall mean an association of persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**Club, Country**, shall mean a private club organized and operated for social purposes and possessing outdoor recreational facilities, such as golf courses, tennis courts or polo grounds.

**Clubhouse** shall mean any building used by an association of persons, organized for some common purpose, but not including a group organized solely or primarily to render service customarily carried on as a commercial enterprise.

**Code** shall mean a code adopted by Ordinance of the City of Palmdale.

**Commission** shall mean the Planning Commission of the City of Palmdale.

**Communication Facility** shall mean a building or structure constructed for the purpose of relaying or conveying information transmitted via microwave, fiber optic or electronic equipment, including but not limited to **Microwave Stations, Telephone Repeater Stations** and their **Accessory** structures and uses. This definition does not include non-commercial communication facilities such as licensed amateur radio stations and standard radio and television receive-only antennas. Communication facilities are further classified as a **Major Communication Facility** or **Minor Communication Facility** as follows: *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Major Communication Facility** shall mean a communication facility that, due to size, scale, location, or other characteristics, is likely to have some detectable impact on adjacent uses or on the environment, including aesthetic or visual impacts, or that may have a cumulative impact City-wide or on the regional environment due to the number of sites included or in combination with other projects. This definition includes freestanding antenna structures, including monopoles and towers, or the placement of a network of wireless communication facilities throughout an area onto existing structures, or other facilities which, as determined by the Planning Director, warrant this classification. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

**Minor Communication Facility** shall mean a communication facility which by its size, scale, location, design, or combination of such measures, allows the facility to be aesthetically integrated into the surrounding environment so as not to be readily seen or recognized as a communication facility and is not likely to have some detectable impact on adjacent uses or on the environment. Such a facility is commonly referred to as a "Stealth Facility". *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

**Composting Facility** shall mean a facility which causes, under controlled conditions, the biological degradation of yard waste materials, including leaves, grass clippings, garden waste, brush and branches and Christmas trees. The term "composting facility" shall not include compost bins or piles on developed residential property for the exclusive use of the residents of said property. *(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*

**Conditional Use Permit** shall mean a discretionary entitlement which may be granted under the provisions of this Ordinance which when granted authorizes a specific use to be made of a specific property, subject to compliance with conditions of approval imposed on the entitlement.

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**DEFINITIONS**

**Condominium** shall mean a development of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

**Construction** shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action conducted on public or private property.

**Construction Commencement** shall mean the start of construction of substantial on-and-off-site and structural improvements after a building permit or grading permit has been issued.

**Contiguous** shall mean the same as **Adjacent**.

**Contour Grading** shall mean a grading technique which utilizes curvilinear, horizontal, and vertical undulations in order to simulate the characteristics of natural topography.

**Convalescent Facility** shall mean a use which provides in-patient services for persons requiring regular medical attention or for aged or infirm persons who are unable to care for themselves, excluding surgical or emergency medical services.

**Convenience Store** shall mean a retail establishment which contains less than five thousand (5,000) square feet of gross floor area utilized in whole or in part for the retail sale of a variety of frequently needed personal convenience items such as groceries, delicatessen items, staples, dairy products, pre-packaged foods, sundry items and/or alcoholic beverages, and which may include the sale of automotive gasoline and related products. This definition is typified by the quick-sale retail store of which there are several national and many regional chains. This definition does not include specialty food stores such as meat markets, health food stores, or ethnic food stores



## CHAPTER 1 ARTICLE 16

### DEFINITIONS

carrying solely those items which are the customary fare of a particular culture without other non-ethnic items, or a full service food market containing less than five thousand 5,000 square feet of gross floor area wherein at least ten (10) percent of the gross floor area is utilized for the sale of fresh meat, seafood, and fresh produce.

**Corporate Massage** means any massage of the neck, arms, shoulders and back area above the waist where the client is fully clothed and in a sitting position, where the massage is (i) administered by a licensed and permitted technician; (ii) approved as an accessory use in a permitted location as authorized by Section 92.14 of the Zoning Ordinance; and (iii) is limited to the upper body and conducted without the uses of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*

**Council** shall mean the City Council of the City of Palmdale, California. "All its members" or "all councilmembers" means the total number of councilmembers holding office.

**County** shall mean the County of Los Angeles.

**Court** shall mean an open, unoccupied space other than a yard, unobstructed from ground to sky, bounded on two (2) or more sides by the walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

**Cross Lot Drainage** shall mean a drainage system that conveys site run-off towards the rear or side lot line where it is captured in a drainage channel, pipe, or similar structure and directed across lot lines to an approved point of discharge, or detention or retention.

**Custom Home** shall mean a detached single-family dwelling which is individually designed and constructed to fit the unique requirements of both the site and the intended owner.



**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

**Custom Home Subdivision** shall mean the division of land into lots which are improved but not developed, intended for sale to purchasers who thereafter will construct custom homes on an individual basis, without development sequencing or phasing by a single builder.

**Section 16.04 (D)**

**Day Care, Commercial**, shall mean a facility which is licensed and utilized to provide daily non-medical care and supervision to thirteen (13) or more children under eighteen (18) years of age, for periods of less than 24-hours per day. This term includes nursery schools and preschools.

**Day Care, Family**, shall mean a single-family residential facility, occupied by the operator, which is licensed and utilized for the purpose of providing daily non-medical care and supervision to fourteen (14) or fewer children under eighteen (18) years of age. *(Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.)*

**Day Care, Large Family**, shall mean a Family Day Care facility in which seven (7) to twelve (12) children under the age of eighteen (18) are cared for, plus up to two (2) additional school age children in accordance with State Department of Social Services regulations. *(Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.)*

**Day Care, Small Family**, shall mean a Family Day Care facility in which one (1) to six (6) children under the age of eighteen (18) are cared for, plus up to two (2) additional school age children in accordance with State Department of Social Services regulations. *(Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.)*

**Daylight Grading** shall mean a grading technique which designates an existing natural contour as the transition line between a manufactured pad for development and an adjacent natural slope face and which eliminates the need for fill slopes along the exposed edges of the development pad.

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### DEFINITIONS

**Days** shall always be consecutive calendar days unless otherwise stated.

**Decision, Discretionary**, shall mean decisions that require the exercise of judgment, deliberation, or decision on the part of the reviewing authority in the process of approving or disapproving a particular activity, as distinguished from ministerial decisions in which the reviewing authority's determination is limited to finding whether there has been conformity with applicable statutes, ordinances, or regulations.

**Decision, Ministerial**, shall mean decisions that are approved by a reviewing authority based upon a given set of facts in a prescribed manner in obedience to the mandate of legal authority.

**Dedication** shall mean the donation to a public agency of land or the right to utilize land, for a specific public use.

**Density** shall mean the number of dwelling units per gross acre, unless otherwise stated, for residential uses.

**Density Transfer** shall mean an increase in density on one portion of a property to a level that may exceed the underlying General Plan designation of that portion of the property while maintaining a gross density over the entire property that is consistent with the underlying General Plan designation.

**Department** shall mean the City of Palmdale Planning Department, unless otherwise stated.

**Design** shall include the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads

## CHAPTER 1 ARTICLE 16 DEFINITIONS

and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; location and size of all proposed buildings and structures; and any other such specific physical improvements.

**Detached** shall mean any building or structure that does not have a wall or roof in common with any other building or structure.

**Development** shall mean the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. As used in this Ordinance, "structure" includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. A "project", as defined in Government Code Section 65931, is included with this definition.

**Development Proposal** shall mean an application for approval of a specific plan, a subdivision, conditional use permit, tentative tract map, parcel map or any other development permit or entitlement application which has been filed with and is pending for consideration by the City.

**Director** shall mean the Director of Planning of the City of Palmdale.

**Discontinue (Discontinuance)** shall mean the cessation or removal of a use for a specified period of time or permanently.



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### DEFINITIONS

**District, Zone.** See **Zone**.

**Dormitory** shall mean a structure intended principally for sleeping accommodations, and where no individual kitchen facilities are provided, where such structure is related to an educational or public institution or is maintained and operated by a recognized non-profit welfare organization.

**Drainage Facilities** shall mean improvements constructed for the storage or conveyance of storm runoff in drainage channels, including channels, culverts, ponds, storm drains, drop-inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits.

**Driveway** shall mean a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area.

**Duplex** shall mean a building designed or used exclusively for occupancy by two (2) families and containing two (2) dwelling units.

**Dwelling** shall mean a structure or portion thereof designed for residential occupancy, not including hotels or motels.

**Dwelling, Multiple**, shall mean a building or portion thereof, designed for occupancy by two (2) or more families, living independently of each other and containing two (2) or more dwelling units.

**Dwelling, Primary**, shall mean the principal single-family dwelling unit located on a lot where a second or dependent dwelling unit is existing or proposed.

**Dwelling, Single Family**, shall mean a building designed or used exclusively for occupancy by one (1) family and containing one (1) dwelling unit.

**Dwelling, Three Family (Triplex)**, shall mean a building designed or used exclusively for occupancy by three (3) families and containing three (3) dwelling units.



**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

**Dwelling Unit** shall mean one (1) or more rooms in a building or portion thereof, designed, intended to be used or used for occupancy by one (1) family for living and sleeping quarters, and containing only one (1) kitchen, not including hotels or motels.

**Section 16.05 (E)**

**Easement** shall mean the grant of one or more property rights by the property owner for use by the public, a corporation, or another person or entity.

**Eave** shall mean the projecting lower edge of a roof overhanging the wall of a building.

**Efficiency Apartment** shall mean a dwelling unit that combines kitchen, living and sleeping facilities into one (1) room in an apartment or multiple dwelling.

**Electric Distribution Substation** shall mean an assembly of equipment which is part of a system for the distribution of electric power where electric energy is received at a sub- transmission voltage and transformed to a lower voltage for distribution for general consumer use.

**Elevation** shall mean:

1. A vertical distance above or below a fixed reference level; or
2. A flat scale drawing of the front, rear or side of a building or structure.

**Emergency** shall mean a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of or damage to life, health, property or public services.

**Enclosed** shall mean a covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Engineer, City** shall mean the City Engineer of the City of Palmdale.

**Entertainment, Live**, shall mean any act, play, revue, pantomime, scene, dance act, musical performance, performance art, or song and dance act, or any combination thereof, performed by one (1) or more persons whether or not they are compensated for the performance.

**Exotic Animal** shall mean any warm or cold-blooded animal not normally maintained in a dwelling unit with people, not considered domesticated within California, or requiring a permit from the State of California Department of Fish and Game.

**Explosives** shall mean any explosive substance, having a power equal to or greater than that of ordinary black powder, including but not limited to blasting caps, detonating, fulminating or electric caps, gunpowder and dynamite, but shall not include fixed ammunition for small arms.

**Extraction** shall mean the removal from the earth of oil, water, gas, gravel, mineral or geothermal resources by drilling, pumping or other means, whether for exploration or production purposes.

#### Section 16.06 (F)

**Facade** shall mean the exterior wall of a building exposed to public view, or that wall viewed by persons not within the building.

**Family** shall mean one (1) or more persons related by blood, marriage or legal adoption, or a group of not more than six (6) persons including unrelated individuals living together as a relatively permanent, bona fide housekeeping unit.

**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

**Family Entertainment Center** shall mean an establishment engaged in providing a range of entertainment activities to a variety of age groups including children. Such activities may include but not be limited to batting cages, go-cart tracks, miniature golf courses, play areas, amusement machines and limited food service, provided that any facility having more than four (4) amusement machines shall also be classified as an Amusement Arcade.

**Fence** shall mean an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Fence, Open**, shall mean a fence that permits at least fifty (50) percent open visibility through the fence.

**Fill** shall mean any material or substance which is deposited, placed, pushed, dumped, pulled or transported or moved to a new location and the conditions resulting therefrom. Fill also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill material include, but are not limited to, earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

**Floodplain** shall mean the relatively flat areas of low lands adjoining, and including, the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the flood water of a one hundred (100) year frequency flood as identified on maps provided by the Federal Emergency Management Agency (FEMA).

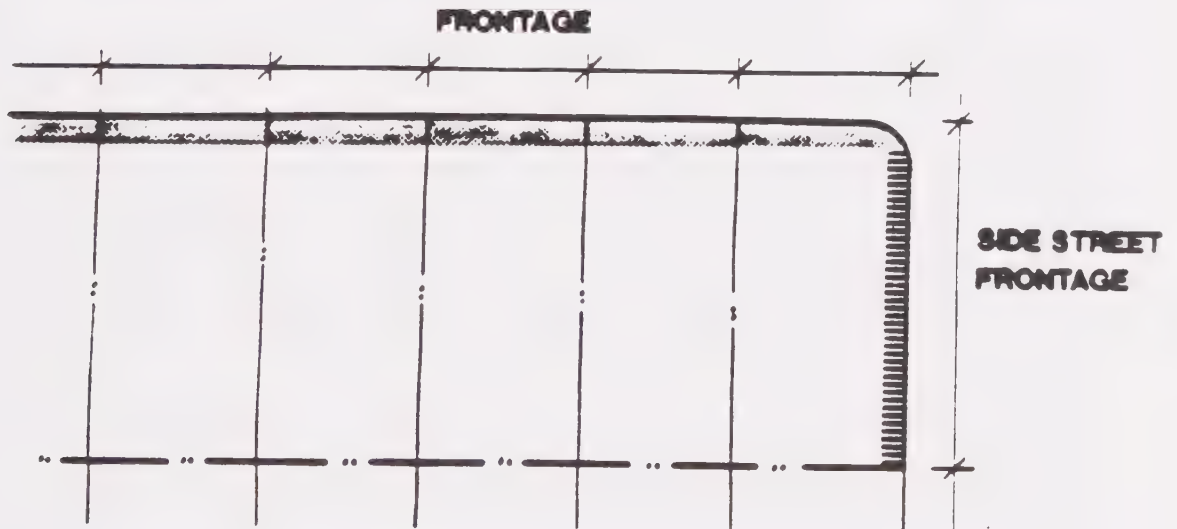
**Floor Area, Habitable**, shall mean the total horizontal area of all the floors of a building measured from the exterior surface of the outside walls including all floors below ground level but exclusive of vent shafts, courts and garages.

**Floor Area Ratio (FAR)** shall mean the numerical value obtained through dividing the floor area of a building or buildings, excluding below grade floor area, by the total area of the lot or parcel of land on which such building or buildings are located.

**CHAPTER 1 ARTICLE 16**  
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**Freeway** shall mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

**Frontage** shall mean that side or sides of a lot abutting a street.



**Front Wall** shall mean the nearest wall of a structure to the street upon which the structure faces, excluding cornices, canopies, eaves and any other architectural embellishments.



CHAPTER 1 ARTICLE 16  
DEFINITIONS

**Section 16.07 (G)**

**Gable** shall mean the vertical triangular end of a building from cornice or eaves to ridge.

**Garage, Private**, shall mean an accessory building or an accessory portion of the main building, designed and used primarily for the shelter or storage of vehicles owned or operated by the occupants of the main building.

**Garage, Public**, shall mean a building other than a private garage used for the parking and storage of vehicles that is available to the general public.

**Garage Sale** shall mean the sale from the residence or residential lot of a vendor of his personal property which has been used in his home and which personal property was not purchased, acquired, or solicited by the vendor for the purpose of resale. A yard or patio sale is included within the definition of garage sale.

**Gas Station** shall mean an establishment primarily engaged in the sale of gasoline and oil only. A gas station may have employees on site, or be unmanned and activated by cards or codes. No repair work (even minor repair) may be conducted on site. See **Automobile Service Station** or **Convenience Store** for other similar uses.

**General Plan** shall mean the comprehensive, long-term General Plan for the physical development of the City of Palmdale, as adopted by the City Council and as hereafter amended.

**Glare** shall mean the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and ability.

**Government Code** shall mean the State of California Government Code.

**Grade** shall mean the vertical location of the ground surface.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Grade, Finished**, shall mean the final grade of the site which conforms to approval plans.

**Grade, Natural**, shall mean the elevation of the ground surface in its natural state, before manmade alterations.

**Gradient** shall mean the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance. (Also see slope and slope steepness.)

**Grading** shall mean any excavation, filling, or movement of earth material by mechanical means, including but not limited to rock processing, dredging, blasting, bulldozing, and digging.

**Grading, Mass**, shall mean a grading technique in which all lots, building pads and streets are graded over the entire site area resulting in the disruption of the majority of the on-site natural grade and vegetation, and often resulting in, but not required to result in, a successive pad/terrace configuration.

**Gross Leasable Area (GLA)** shall mean the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**Guest House** shall mean living quarters located within an accessory building located on the same premises with a main building and occupied solely by members of the family, temporary guests or persons regularly employed on the premises. Such quarters shall have no kitchen and shall not be rented or otherwise used as a separate dwelling unit.

**Section 16.08 (H)**

**Habitable Structure.** A structure that is suitable for human occupancy for purposes of employment, habitation or other purpose.

**Health Club** shall mean an establishment providing exercise and other health fitness conditioning, including gymnasiums, aerobic dance and exercise classes, reducing salons, spas, and similar fitness facilities.

**Health Department** shall mean the County of Los Angeles Department of Health Services/Public Programs.

**Health Facilities, Mobile** shall mean mobile facilities providing health services, such as bloodmobiles; health, hearing, or vision screening; and health fairs.

**Height.** See **Building Height**

**Heliport** shall mean a landing area used by helicopters, including all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangers, and other necessary buildings and open spaces.

**Helistop** shall mean any helicopter landing area used, designed or intended to be used for the receiving or discharging of passengers and cargo but shall not include other appurtenant facilities permitted at a heliport other than a shelter for passengers.

**Hillside Area** shall mean any property containing slope areas of ten (10) percent or greater.

**Home Occupation** shall mean an occupation or business carried out for gain within a dwelling unit in a residential or agricultural zone, which is incidental and secondary to the use of the dwelling unit for residential purposes and which does not change the character of the residential use, established and operated in compliance with the provisions of this Ordinance.

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### DEFINITIONS

**Homeowners Association** shall mean an organization incorporated under state law among property owners who have a common interest in certain property.

**Hospital** shall mean an institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to ill or injured persons, and licensed by state law to provide in-patient facilities and services in surgery, obstetrics, and general medical practice.

**Hotel** shall mean a building in which there are five (5) or more guest rooms where transient lodging (for a period of thirty (30) consecutive calendar days or less) with or without meals is provided for compensation.

**Household** shall mean one (1) or more individuals living together in a single dwelling unit, with common access to all living and kitchen areas and facilities within the dwelling unit.

#### Section 16.09 (I)

**Illegal Structure, Use, or Lot** shall mean a structure, lot, or use which did not conform to applicable laws when constructed or initiated and has not been granted legal nonconforming status by a categorical provision of this Zoning Ordinance or has not been brought into full conformity by a specific remedy provided in this Zoning Ordinance.

**Improvement** shall mean any place, building, structure, natural feature, or object constituting a physical addition to real property or a structure on real property, or any part of such addition or facade.

**Improvement, Tenant,** shall mean an improvement within the confines of an existing building exclusive of those required to meet minimum Uniform Building Code occupancy standards such as wiring or plumbing.



**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

**Inoperative Vehicle** shall mean any vehicle which is not currently registered or which is not capable of self-propulsion.

**Intersection** shall mean where two (2) or more roads connect at grade.

**Section 16.10 (J)**

**Junk** shall mean any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Materials or equipment kept on any premises for use in the construction of any building on such premises, and any materials or equipment customarily used on a farm or ranch, and so situated, shall not be deemed "junk" or "salvage material" within the meaning of this section.

**Junk and Salvage Yard** shall mean any premises used for the keeping or storage of junk, including but not limited to, iron and scrap metals, paper, rags, glass, wood and similar materials and shall include the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere. Junk and Salvage Yard shall also include the baling of cardboard, cardboard boxes, paper and paper cartons.

**Section 16.11 (K)**

**Kennel** shall mean any structure or facility in which five (5) or more dogs, cats, or other small animals over the age of four (4) months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale, or hire.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Kitchen** shall mean any space within a building designed, intended to be used or used for the cooking or the preparation of food, including storage and refrigeration.

#### Section 16.12 (L)

**Land Reclamation Project** shall mean a project established to restore otherwise unsuitable land to useful purposes through the use of fill materials such as rubbish, waste, soil and other unwanted materials. Land reclamation project shall include a dump or waste disposal facility.

**Land Use** shall mean the way in which property is or will be utilized or occupied.

**Landscaping** shall mean the planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers, lawns or other decorative features to land, excluding driveways, parking, loading or storage area. This combination may include natural landscape features such as rock and stone, and structural features including but not limited to fountains, reflecting pools, art works and benches.

**Law** denotes applicable federal law, the Constitution and statutes of the State of California, the ordinances of the City of Palmdale, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

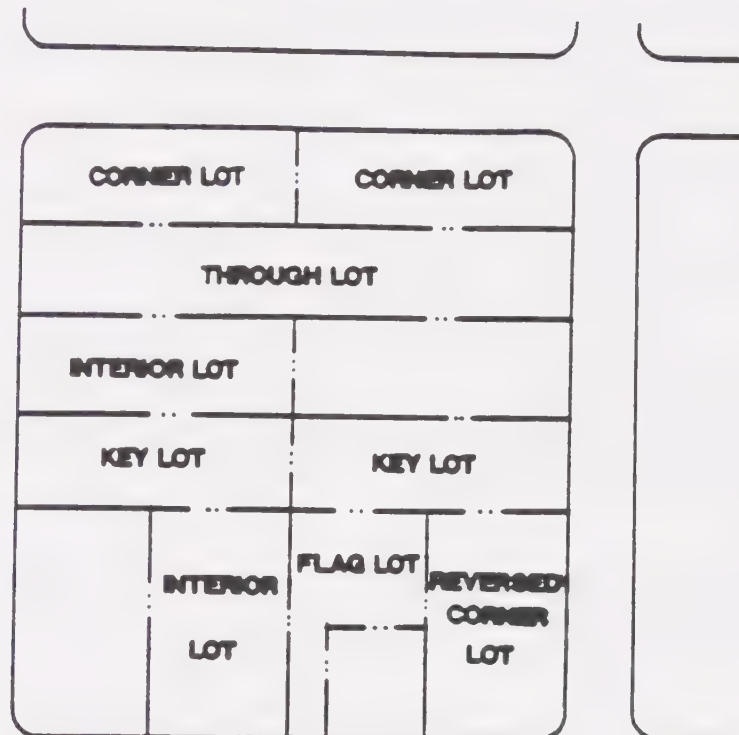
**Legislative Body** shall mean the City Council of the City of Palmdale.

**Light Source** shall mean a device that produces illumination, including incandescent light bulbs, fluorescent and neon tubes, halogen and other vapor lights and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source or reflective surface is considered to be part of the light source.

**Loading Space** shall mean an area used exclusively for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

# CHAPTER 1 ARTICLE 16 DEFINITIONS

**Lot** shall mean a parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are:



1. **Corner** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "interior lot".
2. **Flag** shall mean a lot having access or an easement to a public or private street by a narrow, private right-of-way.
3. **Interior** shall mean a lot abutting only one (1) street.

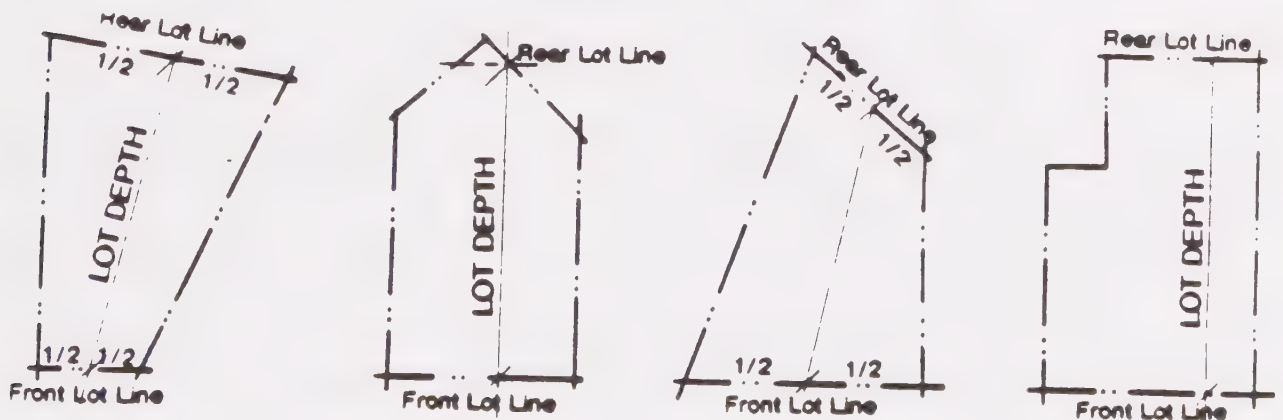
## CHAPTER 1 ARTICLE 16 DEFINITIONS

4. **Key** shall mean a lot with a side line that abuts the rear line of any one (1) or more adjoining lots.
5. **Reverse Corner** shall mean a corner lot, the rear of which abuts the side of another lot.
6. **Through** shall mean a lot having frontage on 2 generally parallel streets, with only 1 primary access.

**Lot Area** shall mean the total horizontal area included within the lot lines of a lot or parcel of land, exclusive of any landscape easement.

**Lot Coverage** shall mean the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

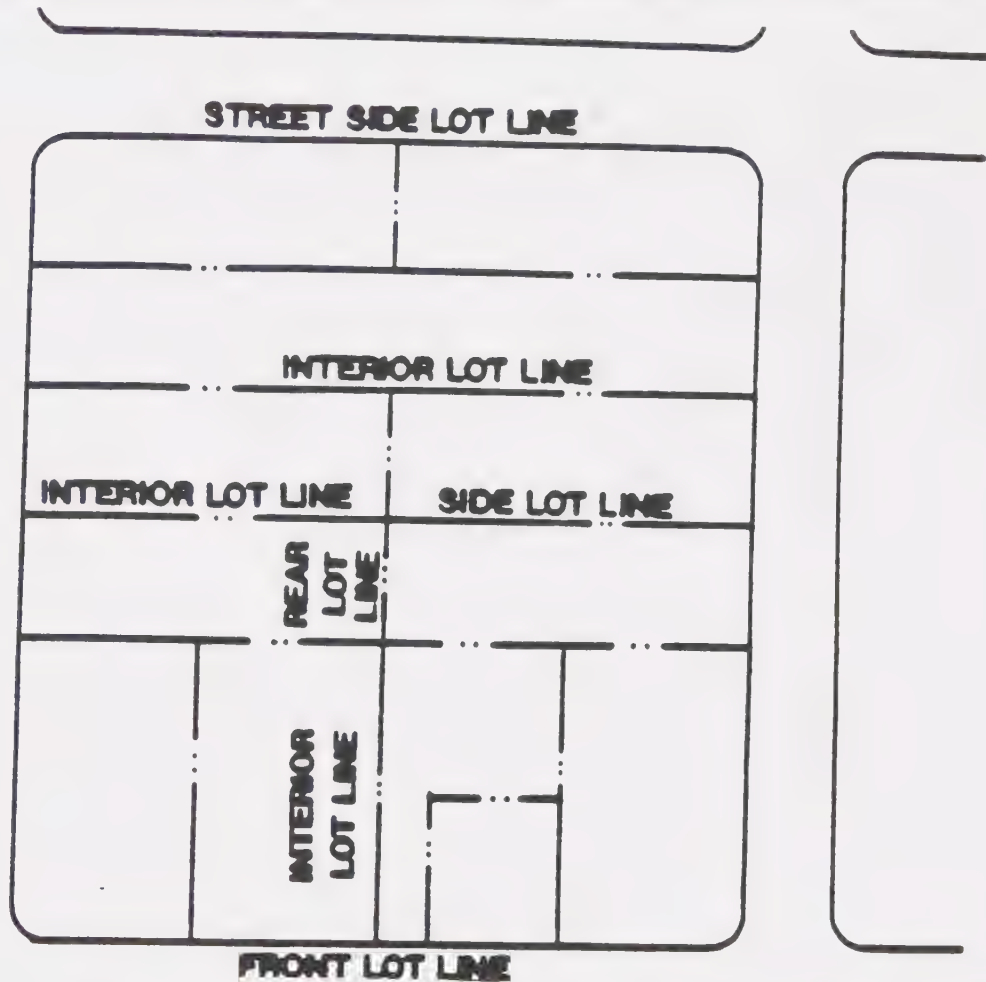
**Lot Depth** shall mean the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines, exclusive of any landscape easement. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)





# CHAPTER 1 ARTICLE 16 DEFINITIONS

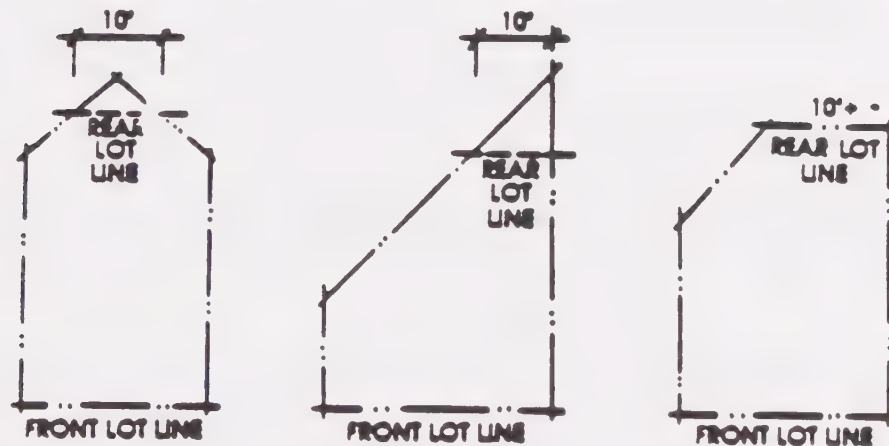
**Lot Line** shall mean any boundary of a lot. The classification of lot lines are:



1. **Front** shall mean the line separating the parcel from the street on an interior lot. On a corner lot, front shall mean the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Director.) On a through lot, front shall mean the lot line abutting the street providing the primary access to the lot.
2. **Interior** shall mean any lot line not abutting a street.

**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

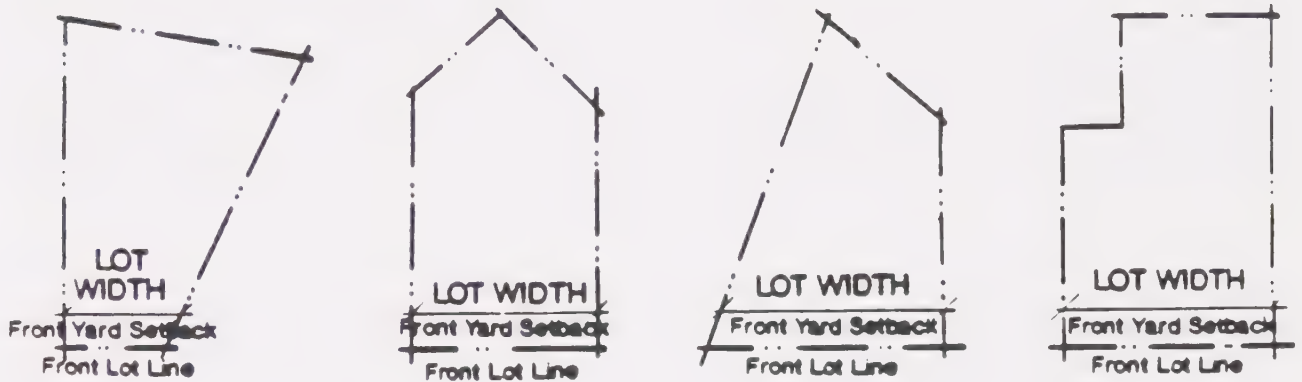
3. **Rear** shall mean a lot line not intersecting a front lot line, which is most distant from and most closely parallel to, the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three (3) lot lines, rear shall mean a line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line and shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Zoning Ordinance.



4. **Side** shall mean any lot line which is not a front or rear lot line.
5. **Street Side** shall mean any lot line abutting a street and over which access is permitted.

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DEFINITIONS

**Lot Width** shall mean the horizontal distance between the side lot lines measured at the required front setback line.



**Section 16.13 (M)**

**Manufactured Home** shall mean a residential dwelling unit manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part which is either wholly or partially assembled on-site as permitted by the State of California and Federal laws.

**Manufactured Home Park** shall mean any lot or parcel of land where sites are rented or leased, or offered for rent or lease for one (1) or more **Manufactured Homes**.

**Manufactured Home Site** shall mean that portion of a **Manufactured Home Park** designated for use or occupancy of one (1) **Manufactured Home**, designed or used for the habitation of one (1) family, and including all appurtenant facilities thereon.

**Manufactured Home Subdivision** shall mean an area of land where lots are divided for sale, rent or lease to accommodate **Manufactured Homes**.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Manufacturing** shall mean the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the construction of products, and the blending of materials such as plastics, resins or oils.

**Massage** means any method of treating the external parts of the body for remedial, health, or hygienic purposes by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, other similar preparations commonly used in this practice, or any other system for treatment or manipulation of the human body with or without any form of bath, such as Turkish, Russian, Swedish, Japanese, Shiahatsu, accupressure, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath, including herbal body wraps. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*

**Massage, Accessory Use** means massage that is provided by a licensed and permitted massage technician as an accessory use to an approved primary use that uses only one massage table or one chair and where only one permitted massage technician is on-duty at any one time, in accordance with Section 92.14 of the Zoning Ordinance. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*

**Massage Establishment** means any establishment having a fixed place of business where any person provides or attempts to provide, engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any business of providing massages, as defined in this section, or health treatments involving massage as the principal function and where more than one massage table or chair will be utilized, or more than one licensed and permitted massage technician will be on-duty at any one time. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*

**Massage Technician** includes "masseur", or "masseuse", "massage practitioner" and "massage therapist", and means any person who administers to any other person, for



## CHAPTER 1 ARTICLE 16 DEFINITIONS

any form of consideration or gratuity, a massage as defined in this section. (*Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.*)

**Median** shall mean a paved or planted area separating a street, accessway or highway into one (1) or more lanes of opposite direction of travel.

**Medical Clinic** shall mean any facility providing physical or mental health service, and medical or surgical care of the sick or injured but shall not include in-patient or overnight accommodations. Medical clinic includes health center, health clinic and doctor's offices.

**Microwave Station** shall mean a structure and appurtenant equipment necessary for the receiving, amplifying or transmitting of microwave signals, including necessary antenna systems, along a communications route or system which employs microwave frequencies assigned by the Federal Communications Commission. See **Communication Facility**. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Mini-Warehouse or Self Storage Facility** shall mean a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

**Model Home** shall mean a dwelling unit temporarily used for display purposes as an example of dwelling units available for sale in a particular residential development.

**Month** means a calendar month.

**Motel** shall mean one (1) or more buildings containing guest rooms or dwelling units, with one (1) or more such rooms or units having a separate entrance leading directly from the outside of the building or from an inner court. Such facilities are designed, used, or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. Motel includes auto courts, motor lodges, tourist courts and motor hotels.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Motor Vehicle** shall mean a self propelled device by which any person or property may be propelled, moved, or drawn upon a street or highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

**Municipal Code** shall mean the City of Palmdale Municipal Code.

#### Section 16.14 (N)

**Noise** shall mean any undesirable audible sound.

**Nonconforming Structure, Legal**, shall mean any structure or improvement that was lawfully established in compliance with all applicable ordinances and laws at the time it was erected, but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

**Nonconforming Use, Legal**, shall mean any use of land or property that was lawfully established in compliance with all applicable ordinances and laws at the time the use commenced, but which, due to the application of this Ordinance or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

**Nuisance** shall mean anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin or any public square, street or highway.

CHAPTER 1 ARTICLE 16  
DEFINITIONS

**Section 16.15 (O)**

**Official Zoning Map** shall mean a map which graphically shows all zoning district boundaries and classifications within the City of Palmdale, as contained within the Palmdale Zoning Ordinance, which is signed by the Planning Director and is on file in the Palmdale Planning Department.

**Open Space, Common**, shall mean open space within a project owned, designed, and set aside for use by all occupants of the project or by occupants of a designated portion of the project. Common open space is not dedicated to the public and is owned and maintained by a private organization made up of the open space users. Common open space includes common recreation facilities, open landscaped areas, and greenbelts, but excludes pavement or driveway areas, or parkway landscaping within public right-of-way.

**Open Space, Private**, shall mean that open space directly adjoining the unit or building which is intended for the private enjoyment of the occupants of the unit or building. Private open space shall in some manner be defined such that its boundaries are evident. Private open space includes private patios or balconies and front, rear, or side yards on a lot designed for single family detached or attached housing.

**Open Space, Usable**, shall mean outdoor or unenclosed area on the ground or on a deck or terrace, designed and accessible for outdoor living recreation, pedestrian access, or landscaping but excluding streets, parking facilities, driveways, utility or service areas.

**Ordinance** shall mean an ordinance of the City of Palmdale.

**Outdoor Advertising** shall mean the uses of a sign or signs soliciting public support or directing public attention to the sale, lease, hire or use of any objects, products, services or functions which are not produced, sold or otherwise available on the premises where such sign is erected or maintained.



## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Owner**, applied to a building or land, shall mean any person appearing on the last equalized assessment roll of the County of Los Angeles, including any part owner and joint owner.

#### Section 16.16 (P)

**Pad, Building**, shall mean that area of a lot graded relatively flat, or to a minimum slope, for the purpose of accommodating a building and related outdoor space.

**Parapet** shall mean the extension of the main walls of a building above the roof level.

**Parcel of Land** shall mean a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same claimant(s) or person(s).

**Parking, Covered** shall mean a permanent carport or garage that provides full overhead protection from the elements with roof coverings customarily used in building construction. Canvas, plastic, lath, and vegetation are not ordinary roof coverings and do not qualify a space, when used, as providing a covered parking space.

**Parking Space** shall mean an area, not including driveways, ramps, loading or work areas, which has been delineated and is maintained exclusively for the parking of one (1) motor vehicle.

**Parkway** shall mean the area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreation purposes.

**Patio Cover** shall mean any roof-like structure attached to another structure, or any extension of a roof line, constructed for the purpose of decoration or protection from the elements in connection with outdoor living.

**Patio Sales** - see Garage Sales



## CHAPTER 1 ARTICLE 16 DEFINITIONS

**Permit** shall mean written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

**Permitted Use** shall mean any use allowed in a zone and subject to the restrictions applicable to that zone.

**Person** shall mean any individual, copartnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, the State of California and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

**Planned Development** shall mean the planning, construction or implementation and operation of any use or structure, or a combination of uses and structures, based on a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project.

**Planning Commission** shall mean the Planning Commission of the City of Palmdale.

**Play Court** shall mean any area having a paved or hard surface, used for recreational purposed, including but not limited to courts for tennis, racquetball, squash or badminton play. A basketball hoop adjacent to a driveway or attached to a structure is not a play court for purposes of the ordinance.

**Preceding and Following** mean next before and next after, respectively.

**Principal Use** shall mean the primary purpose for which a building, structure, or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this Ordinance.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Professional Office.** An office from which a doctor, lawyer, engineer, or architect or similar professional may offer services.

**Project** shall mean the total development within the boundaries as defined on the development plan.

**Projection, Architectural** shall mean any projection including eaves, awnings, and/or chimneys which extend beyond the face of an exterior wall of a structure.

**Property** includes real and personal property.

**Public Facilities** shall mean any establishment, building or operation which is intended to be utilized for the establishment of public and/or quasi-public uses.

**Public Right-of-Way** shall mean a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be or is presently occupied by a road, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, bikeway, pedestrian walkway, or other public use.

**Public Utility Installations** shall mean production, generation, reclamation, storage, or transmission facilities for electricity, water or natural gas, excluding individual service lines and facilities which do not have a local impact on surrounding properties.

#### Section 16.17 (Q)

**Quarry** shall mean any place on a lot or parcel of land where dirt, soil, sand, gravel, rock, clay, decomposed granite, or other similar material is removed by excavation or otherwise. Quarry shall include mining operations for the removal of ores, precious stones, or other solid materials but shall not include:

1. The excavation and removal of materials from a lot or parcel of land preparatory to construction of a building for which a building permit has been issued and remains in full force and effect, provided that such

**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

excavation is confined to that necessary for such building construction but in no event shall more than five thousand (5,000) cubic yards of soil or other excavated materials be removed from the premises.

2. Excavation, on a lot, parcel of land or subdivision, necessary to grading, building construction or operation on the premises, where a building permit is not in full force and effect, provided that such grading is necessary to prepare a site for a lawful use permitted thereon but in no event shall more than five hundred (500) cubic yards of soil or other excavated materials be removed from such premises.

**Section 16.18 (R)**

**Reclamation** shall mean the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

**Recorder** shall mean the Recorder of the County of Los Angeles.

**Recreational Facility** shall mean any establishment, building or operation which is intended for the provision of recreational sports activities including tennis, racquetball ball, health facilities, track facilities, golf and other related sports activities.

**Recreational Vehicle** shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, and all-terrain vehicles.



## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Recreational Vehicle Park** shall mean any area or tract of land where one (1) or more lots are rented or leased or held out for rent or lease to owners or users of **Recreational Vehicles** or tent camping used for travel or recreation purposes.

**Recyclable Material** shall mean reusable material including, but not limited to, metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health & Safety Code.

**Recycling Facility** shall mean a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

A. Collection Facility (Small)

A small collection facility is a center which occupies an area no more than five hundred (500) square feet for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not use power driven processing equipment. Collection facilities may include the following:

1. Reverse vending machines;
2. Mobile units;



**CHAPTER 1 ARTICLE 16**  
**DEFINITIONS**

3. Bulk reverse vending machines occupying more than fifty (50) square feet;
4. Kiosk type units which may include permanent structures;
5. Unattended containers placed for the donation of recyclable materials;

**B. Collection Facility (Large)**

A large collection facility is a center which occupies an area in excess of five hundred (500) square feet and which may include permanent structures.

**C. Processing Facility**

A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

1. A light processing facility occupies an area of not more than forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting grinding, shredding, and sorting of source separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
2. A heavy processing facility is any processing facility other than a light processing facility.

## **CHAPTER 1 ARTICLE 16**

### **DEFINITIONS**

**Residence** shall mean one (1) or more rooms designed, used or intended to be used as permanent living quarters for a family and not as temporary or over-night accommodations.

**Residentially Designated Property** shall mean property in any jurisdiction which is either zoned or designated in the General Plan for residential uses.

**Reverse Vending Machine(s)** - a reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

**Reviewing Authority** shall mean the person or decision-making body (i.e., Planning Director, Planning Commission or City Council) responsible for the review and/or final action on a land use entitlement.

**Right-of-Way.** See Public Right-of-Way.

**Roof Line** shall mean the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

**Room** shall mean an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, and service porches.

CHAPTER 1 ARTICLE 16  
DEFINITIONS

**Rooming House and Boarding House** shall mean a lodging, house, or other building or structure maintained, advertised, or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole, or any part of the public whether with or without meals.

**Section 16.19 (S)**

**Sanitarium** shall mean the same as hospital.

**Satellite Dish** shall mean an apparatus capable of receiving communications from a transmitter relay located in planetary orbit.

**School, Vocational, Business or Trade** shall mean a facility primarily teaching usable skills that prepare students for jobs in a trade, and meeting State requirements as a vocational facility.

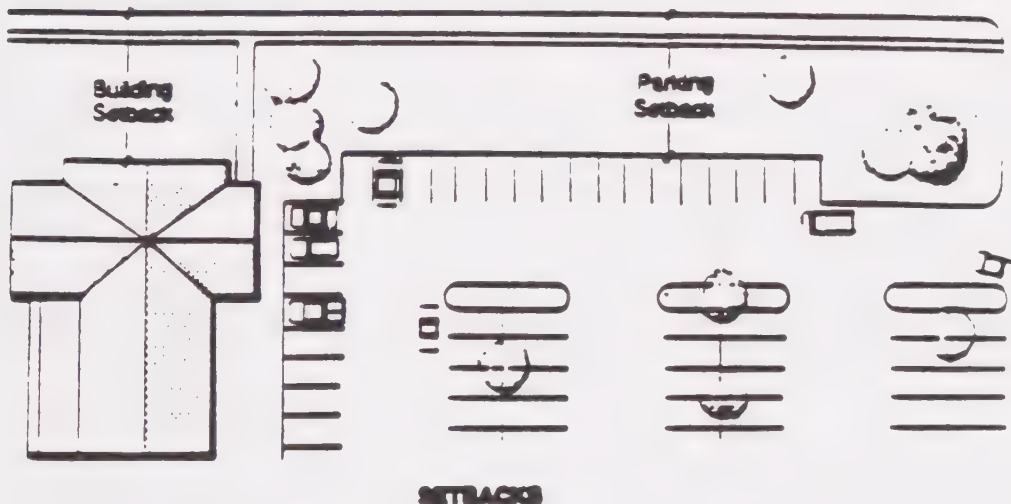
**Screening** shall mean a method of visually shielding or obscuring a structure or portion thereof or use from an abutting or nearby use, or from the general public, by a fence, wall, hedge, berm or similar structure, architectural or landscape feature, or combination thereof.

**Second Dwelling Unit** shall mean an additional dwelling unit which may be rented, and the floor area of the attached second dwelling unit does not exceed thirty (30) percent of the existing living area of the primary residence or the floor area of the detached second dwelling unit does not exceed eight hundred fifty (850) square feet on a lot designated as residential, as defined in Government Code Section 65852.2.

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Setback** shall mean the minimum required distance that a building, structure, parking area or other designated item must be located from a lot line (see also **Yard**). Such distances shall be measured at a horizontal line at right angles to the property line or its target, exclusive of any landscape easements.



**Setback Line** shall mean a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot (see also **Yard**).

**Sexually-Oriented Businesses** shall mean the same as Adult-Oriented Businesses. (Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.)

**Sidewalk** means that portion of a street between the curbing and the adjacent property line intended for the use of pedestrians.

**Sign** shall mean anything of visual appearance primarily used for or having the effect of, attracting attention from the streets, sidewalks or other outside public areas for identification purposes, including but not limited to, all outdoor advertising and any card, cloth, paper, paint, plastic, metal, painted glass, or wooden or stone materials, and any



## CHAPTER 1 ARTICLE 16 DEFINITIONS

and all devices, structural and otherwise, lighted or unlighted, painted or not painted, attached to, made a part of, or placed in the window of, or in the front, rear, sides, or top of any structure on any land or any rock, bush, wall, tree, post, fence, building, or structure, which device in any manner, or by any means, whether enumerated in this Subsection or not, conveys a message, announces or directs attention to the name, nature, merits, availability, price, or type of goods, services, or products produced, sold, stored, furnished, or available at that location or at any other location. For definitions of other terms pertaining to signs, see Article 88 of this Ordinance.

**Site Plan** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning all of the buildings, structures, uses, easements, and the exact manner of development proposed for a specific parcel of land.

**Site Plan Review** shall mean a discretionary entitlement which may be granted under the provisions of this Ordinance which, when granted, authorizes the construction of a specific development on a parcel of land or the substantial modification of an existing development as defined in Section 21.02, subject to compliance with conditions of approval imposed on the entitlement. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)

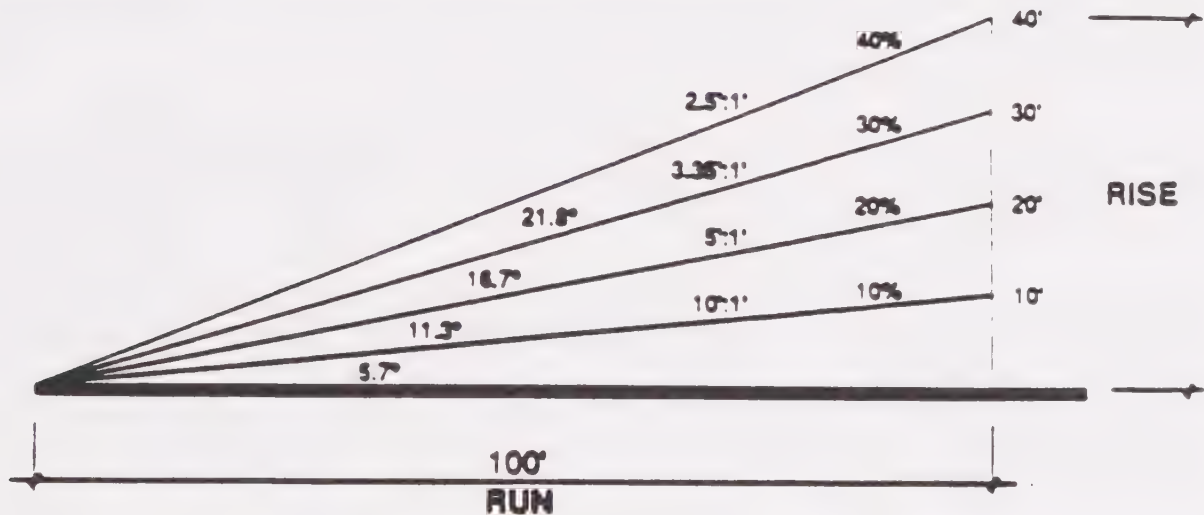
**Slope** shall mean an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. See **Gradient**.

**Slope Face** shall mean the slopes located directly below, and leading up to, the crest of a significant ridgeline or prominent landform.

**Slope, Manufactured** shall mean a man made slope created by grading that consists wholly of cut or filled material.

# CHAPTER 1 ARTICLE 16 DEFINITIONS

**Slope Steepness** shall mean the relationship (the ratio) between the change in elevation (rise) and the horizontal distance (run) over which that change in elevation occurs. The percent of steepness of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by 100.



$$\text{Slope Percentage} = \frac{\text{Rise}}{\text{Run}} \times 100$$

$$\text{Slope Ratio} = \frac{\text{Rise}}{\text{Run}} \text{ where rise equals one foot}$$

% Grade	100%	50%	40%	33%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45°	26.6°	21.8°	18.4°	16.7°	14°	11.3°	8.5°	6.8°	5.7°	4.6°	3.4°
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

**Sludge** shall mean the accumulated matter, whether mechanically treated, irradiated, digested, stabilized, composted or untreated, produced in the treatment of wastewater. This includes liquid, semi-liquid, and solid material that has been mechanically dewatered or air dried. (Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)

## CHAPTER 1 ARTICLE 16 DEFINITIONS

**Social and Professional Organization** shall mean a nonprofit association of persons, whether incorporated or unincorporated, organized for some common purpose including fraternities, sororities, lodges, political membership, veterans, civic, social, and similar organizations, but not including a group organized primarily to render a service customarily carried on as a business.

**Solar Access** shall mean a property owner's right to have sunlight shine on his land or buildings for the specific purposes and to the extent provided under existing State law.

**Solid Fill** shall mean any non-combustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

**Solid Fill Project** shall mean any operation on a parcel of land where more than one thousand (1,000) cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

**Specific Plan** shall mean a plan consisting of text maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et seq.

**State** shall mean the State of California.

**Stealth Telecommunications Facility** shall mean a telecommunications facility as defined in Section 16.20 which by its size, location, design, or combination of such measures, causes the facility to be aesthetically integrated into the surrounding environment so as not to readily be seen or recognized. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

**Stockpile** shall mean the temporary placement or storage of inert materials, including but not limited to rock, sand, gravel and soil. No stockpile shall contain biological material, such as greenwaste, trash, composted material, biosolid material or sludge. *(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*



## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Story** shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**Story, Half**, shall mean a story with at least two (2) of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds ( $2/3$ ) of the floor area of the floor immediately below it.

**Street** shall mean any public or private thoroughfare which affords primary means of access to abutting property.

**Structure** shall mean anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

**Structure, Accessory** shall mean a detached structure not for human habitation (as opposed to an accessory dwelling) which is incidental to and associated with a specific principal use or facility located on the same lot.

**Structure, Advertising**, shall mean a structure existing, erected or maintained to serve exclusively as a stand, frame or background for the support or display of signs.

**Structure, Principal**, shall mean one (1) or more buildings conducting the principal use of the lot upon which it is situated.

**Subdivision** shall mean the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

**Subdivision Development Plan** shall mean the specific development plan for an approved tentative map, including plot plans, building elevations, grading plans and landscape plans applicable to individual lots within said tentative map.

**Swap Meet** shall mean any indoor or outdoor place, location or activity where new or used goods or secondhand personal property is offered for sale or exchange to the



## CHAPTER 1 ARTICLE 16 DEFINITIONS

general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

### **Section 16.20 (T)**

**Telephone Repeater Station** shall mean a building used for housing amplifying equipment along aerial or underground telephone cable routes. See **Communication Facility**. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Temporary Dependent Housing** shall mean a residential dwelling unit intended for the sole occupancy of one or two adult persons who are sixty-two (62) years of age or over or handicapped, provided that minimum liveable floor area does not exceed eight hundred fifty (850) square feet or thirty (30) percent of the existing living area of the principal dwelling, where attached, whichever is less.

**Temporary Structure** shall mean a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Temporary Use** shall mean a use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

**Tenant and Occupant**, applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

**Tennis Court** shall mean any fenced or enclosed, paved or hard-surfaced areas used for playing tennis or paddle tennis. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

## CHAPTER 1 ARTICLE 16

### DEFINITIONS

**Townhouse** shall mean a building subdivided into individual units such that each owner owns the unit structure and the land on which the unit is located or an exclusive easement for it, plus a common interest in the land upon which the building is located.

**Trailer** shall mean a vehicle designed for carrying persons or property on its own structure and capable of being drawn by a motor vehicle.

**Transfer Station** shall mean an area, including any necessary buildings or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

**Travel Trailer** shall mean a **Recreational Vehicle** other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

**Triplex** shall mean the same as **Dwelling, Three-Family**.

#### Section 16.21 (U)

**Unit, Attached**, shall mean a unit completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor, or ceiling and not simply by an attached breezeway or porch; and shall be contained within one building. A second dwelling unit constructed above an existing detached garage shall be considered an attached unit.

**Unit, Detached**, shall mean a unit that is structurally independent and separated from the existing primary dwelling by a minimum of ten (10) feet.

**Use** shall mean the purpose for which land or a building or structure is arranged, designed, or intended to be used, or for which it is or may be used, occupied or maintained.

CHAPTER 1 ARTICLE 16  
DEFINITIONS

**Use, Accessory.** See Accessory.

**Use Inauguration** shall mean the institution of use or occupancy of a property or that applicable grading and building permits have been issued, internal infrastructure installed, foundations poured and above ground construction initiated and ongoing.

**Section 16.22 (V)**

**Variance** shall mean a discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

**Vehicle, Commercial** shall mean a vehicle customarily used as part of a business for the transportation of goods or people.

**Vehicle Reservoir Area** shall mean an area for temporary stopping of motor vehicles in a line while awaiting service, such as provided at a drive-through business.

**Vehicle Sight Distance** shall mean the area through which a driver has a clear view of oncoming vehicle and pedestrian traffic when waiting to proceed at a street corner or driveway.

**Veterinary Clinic, Small Animal**, shall mean any facility providing medical or surgical treatment, clipping, bathing and similar services to dogs, cats and other small animals, but excluding boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from anesthetic.

**Veterinary Hospital, Large Animal** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including incidental boarding to horses, livestock and other farm animals.

**Vietnamese Pot Bellied Pigs** shall mean those pigs (also known as "pygmy pigs" or "mini pigs"), referred to by the scientific name of Sus Scrofa Jubatas Muller or Sus Scrofa (Cristatas) Vittatus, that do not stand higher than twenty (20) inches at the

## **CHAPTER 1 ARTICLE 16**

### **DEFINITIONS**

shoulder, are no longer than forty (40) inches from the tip of the head to the end of buttocks, and weigh no more than one hundred twenty (120) pounds.

#### **Section 16.23 (W)**

**Warehouse, Storage and Distribution Buildings** shall mean a building primarily used for the storage of equipment, building materials, lumber, furniture, manufactured goods, wholesale products, and similar types of materials or finished products, including, but limited to: wholesale distribution facilities, and moving and transfer storage, except mini-warehouses and personal storage facilities, and excluding bulk storage of materials which are flammable or explosive or which create hazardous or commonly recognized offensive conditions.

**Warehousing** shall mean the act of maintaining or operating a warehouse.

**Wholesale Sales** shall mean the sale of goods by an individual or firm, usually in large quantities and at lower prices, to another individual or firm for the purposes of resales; or a product for which no sales tax is paid by the purchaser.

#### **Section 16.24 (X)**

**Xeriscape** shall mean trees, shrubs and ground covers that survive with a limited amount of supplemental water, as determined by the City of Palmdale Landscape Architect.

#### **Section 16.25 (Y)**

**Yard** shall mean an open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Ordinance.

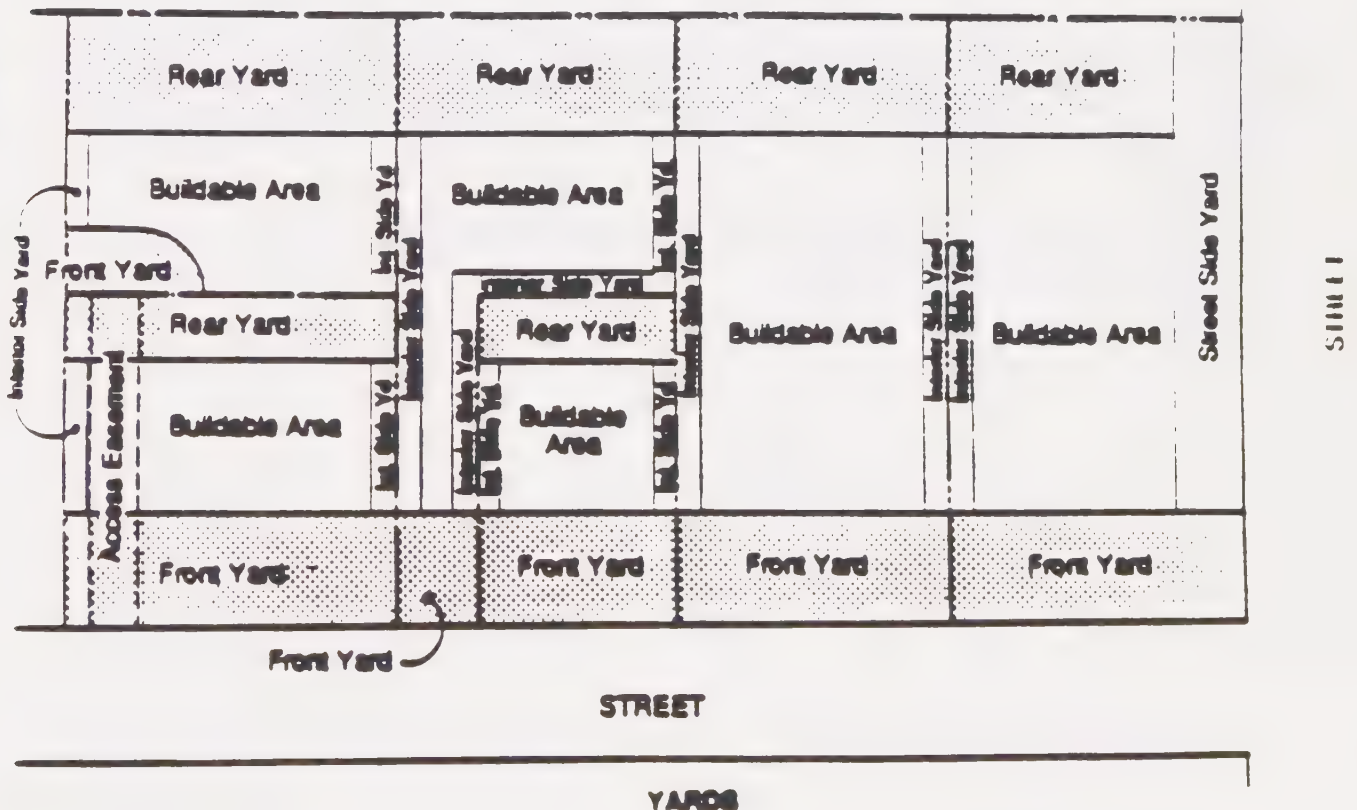


# CHAPTER 1 ARTICLE 16 DEFINITIONS

**Yard, Front** shall mean an area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts.

**Yard, Interior Side** shall mean an area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto

**Yard, Rear** shall mean an area extending across the full width of the lot between the rear lot line and a setback line parallel thereto. On flag lots, the rear yard location shall be determined through project review.



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### **DEFINITIONS**

**Yard, Street Side** shall mean an area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to a structural setback line parallel thereto.

**Yard Sales** - see Garage Sales

**Year** means a calendar year.

#### **Section 16.26 (Z)**

**Zero Lot Line** shall mean the location of a structure on a lot in such a manner that one (1) or more of the structure's sides rest directly on a lot line.

**Zone** shall mean a portion of the territory of the City, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings, all as set forth and specified in this Ordinance.

**Zoning Ordinance** shall mean this document, approved by Ordinance No. 1060, and any subsequent amendments thereto.







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**ARTICLE 20 GENERAL REVIEW PROCEDURES**

**Section 20.01 Review Procedures**

- A. Land use applications will be reviewed and approved in accordance with three basic procedures:
1. Public hearing by the City Council and/or Planning Commission, in which the reviewing authority invites public testimony for and against the land use proposal, reviews evidence and renders its decision.
  2. Public hearing by the Hearing Officer, in which the Planning Director or his or her designee conducts a public hearing and invites public testimony for and against the land use proposal, reviews evidence and renders his/her decision.
  3. Administrative Review, used when land use decisions are made based upon standards that have been adopted by the City as law or policy. The reviewing authority shall be the Planning Director, or his or her designee. The reviewing authority may render a land use decision without giving notice to surrounding property owners and other parties. However, where deemed necessary, the reviewing authority may require that notice be provided to contiguous property owners.
- B. Review procedures for each application type are specified in Chapter 2, Articles 21 through 28, of this Zoning Ordinance.

## CHAPTER 2 ARTICLE 20 GENERAL REVIEW PROCEDURES

### Section 20.02 Notification Procedures

#### A. Public notice sign of submitted application

1. Requirement for a Public Notice Sign. The Planning Director may require that at such time as an application requiring a public hearing has been filed and deemed complete, a public notice sign or signs be posted at the project site. The purpose of the sign notice requirement is to notify the community and the residents in the affected area of the proposed development early in the review process, allowing an opportunity for public input during the initial stages of project review. At a minimum, the sign shall state the application file number, a description of the proposed use (including square footage), the area of the project site, the current zoning and any proposed zone change, and any other pertinent information needed to clearly convey the nature of the proposed project.
2. Sign criteria and maintenance. The following rules and standards shall apply to required public notice signs:
  - a. Sign size and specifications. All public notice sign(s) shall be four feet by eight feet (4' x 8') in size and be constructed to the specifications of Figure 2.20.2. The specific project information text on the sign shall be provided by the Planning Department.
  - b. Location and installation standards. All public notice sign(s) shall be installed according to the specifications of Figure 2.20.1. The location for the sign(s) on the project site shall be determined by the Planning Director.
  - c. Sign removal and maintenance. All public notice sign(s) must be kept adequately maintained and remain in place until the final decision on the application has been made or the application is withdrawn. All sign(s) shall be removed by the applicant within fourteen (14) days of the final decision or date of withdrawal. Failure to remove the sign within the prescribed period may result

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in removal and forfeiture of the sign to the City, with the cost of removal and storage to be paid by the applicant.

**B. Notice of land use decisions**

**1. General provisions**

- a. Notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the Public Hearing procedures as described in this Section.
- b. Notice shall be given by first class mail to any person who has filed a written request for such notice.

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FIGURE 2.20.1

SPECIFICATIONS FOR PUBLIC NOTICE SIGNS

The diagram shows a rectangular sign with a width of 8'-0" and a height of 4'-0". The sign is divided into several sections. The top section contains the text "NOTICE OF PUBLIC HEARING ON PROPOSED DEVELOPMENT CASE NO. \_\_\_\_\_" followed by "PROPOSED ON THIS SITE:" and two horizontal lines for site information. Below this is a table with two main columns: "PUBLIC HEARING" and "FOR INFORMATION CALL :". The "PUBLIC HEARING" column contains "DATE: \_\_\_\_\_", "TIME: \_\_\_\_\_", and "LOCATION: CITY HALL". The "FOR INFORMATION CALL :" column contains "DEVELOPER" followed by two horizontal lines, and "PLANNING DEPARTMENT" followed by "38308 9th St. E." and "805-267-5200". On the left side, a dashed box indicates the "MAJOR LETTERS" area, and a solid box indicates the "MINOR LETTERS" area.

<p>8'-0"</p> <p>NOTICE OF PUBLIC HEARING ON PROPOSED DEVELOPMENT CASE NO. _____</p> <p>PROPOSED ON THIS SITE:</p> <p>_____</p> <p>_____</p>		<p>4'-0"</p>
<p>PUBLIC HEARING</p> <p>DATE: _____</p> <p>TIME: _____</p> <p>LOCATION: CITY HALL</p>	<p>FOR INFORMATION CALL :</p> <p>DEVELOPER</p> <p>_____</p> <p>( )</p> <p>PLANNING DEPARTMENT</p> <p>38308 9th St. E. 805-267-5200</p>	

MAJOR LETTERS

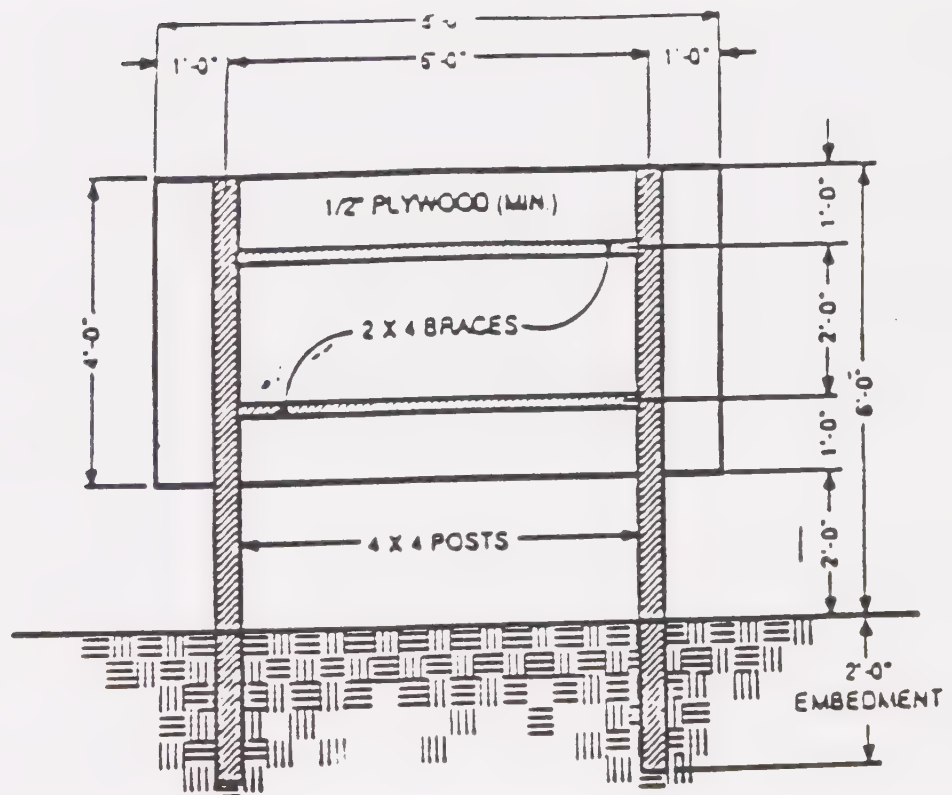
MINOR LETTERS



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FIGURE 2.20.2

INSTALLATION REQUIREMENTS FOR PUBLIC  
NOTICE SIGNS



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- c. When the notification procedures for applications as specified in this Article permit decisions with limited notice, notice shall be given by first class mail or delivery to all contiguous property owners.
- d. Notice shall be given in the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative, pursuant to State law.
- e. Notice may be given in such other manner as is required by State law or deemed necessary or desirable by the Planning Department.
- f. Said notice shall include information about the proposal, the project site, the hearing, the environmental review process, and proposed findings pursuant to the California Environmental Quality Act, including but not limited to the date, time, and place of the public hearing, the identity of the hearing body or officer, a general description of the matter to be considered, a general description, in text or by diagram, of the location of the real property (if any) that is the subject of the hearing, and whether a Negative Declaration or Environmental Impact Report has been prepared.
- g. "Surrounding property", for the purposes of this Section, shall be defined as those properties that fall within a radius drawn from the nearest limits of the property that is the subject of the land use application, as follows:
  - (i) If the subject property is twenty (20) acres or less in size, all properties within a five hundred (500) feet radius shall be notified.
  - (ii) If the subject property is greater than twenty (20) acres but less than one hundred sixty (160) acres in size, all properties within a seven hundred (700) foot radius shall be notified.

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(iii) If the subject property is greater than one hundred sixty (160) acres in size, all properties within a one thousand (1,000) foot radius shall be notified.

(iv) The Planning Director may expand the surrounding property notice requirement if deemed necessary to include all properties potentially affected by the application.

- h. "Contiguous property", for the purpose of this Section, shall be defined as those properties which touch property lines of any parcel that is the subject of a land use decision, including those properties which touch said property lines of the subject parcel when projected across public or private rights-of-way easements.
- i. A one-eighth page display advertisement in a newspaper of general circulation within the City may be substituted for individual property owner notice, whenever the individual notice would require notification of one thousand (1,000) or more property owners.

2. Public hearing notification

At least ten (10) days before the required public hearing on a land use decision, the Planning Director shall cause notice of the time and place of the public hearing on the project to be given in the following manner:

- a. Notice shall be published once in a newspaper of general circulation within the City for land use approvals requiring a public hearing, if such a newspaper has been legally adjudicated for this purpose.
- b. Notice shall be posted at least ten (10) days prior to the public hearing in at least three (3) public places.

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- c. The public notice sign(s) required under Section 20.02 A. shall indicate the public hearing date and shall remain on the subject site a minimum of ten (10) days prior to the hearing.
- d. Additional public notification beyond the boundaries specified in Section 20.02 B.1.g. above may be required for a development related project as determined by the Planning Director in any one of the following circumstances:
  - (i) The proposed development is a residential infill project with a higher intensity land use than that of the existing neighborhood; or,
  - (ii) The proposed development is an infill project which requires a General Plan amendment; or,
  - (iii) The development is a proposed infill project which requires an EIR; or,
  - (iv) As determined to be necessary and desirable by the Planning Director based on the nature of the proposed project. For large projects, the Planning Director may determine that more than one sign is necessary.
- e. In determining the boundaries of an expanded notification area, the following criteria shall be used:
  - (i) The expanded area may be directly affected by the proposed project due to proposed or established circulation, drainage patterns, view, grading, or other environmental or infrastructural conditions; or
  - (ii) The expanded area is an integral part of the affected neighborhood or subdivision.



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- f. If it is determined upon initial submittal that supplemental notification is necessary, the applicant shall be notified within thirty (30) days, as part of the City's Notice of Complete Application, of expanded notification area to be included in the mailings, and shall be required to submit three (3) sets of gummed address labels based on the latest equalized tax assessors rolls for the expanded area. The application shall not be deemed complete until the labels have been submitted.

**Section 20.03 Pre-Application Conference**

- A. The Planning Department may request that an applicant submit materials for and attend a pre-application conference to review the development proposal prior to acceptance of the application. The purpose of this conference is to acquaint the City with the intentions of the applicant, to acquaint the applicant with any applicable policies and procedures, to identify City Codes and improvement standards applicable to the proposal, and to identify any significant development opportunities and/or constraints on the site.
- B. The pre-application conference shall include an exchange of information concerning the entire area intended by the applicant to be developed, even if such development is intended to proceed by stages, whether or not applications for review of the entire project area are made at the time of the initial application.
- C. Application for a pre-application conference shall be made at the Planning Department, and shall be accompanied by the appropriate fee as adopted by the City Council. The applicant shall submit development plans and or other applicable materials, showing proposed land use types, areas and locations. The conceptual development plan and/or materials shall include sufficient information about the proposal to permit evaluation of the development issues identified in this Section.

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- D. The pre-application conference shall address, but not be limited to, the following subject matter:
1. Subject parcel: Its size, location, dimensions and area; any existing improvements or development on site; existing General Plan and zoning designations;
  2. Proposed development project: Uses proposed for the site; type and placement of buildings and other improvements;
  3. Characteristics of the project site and vicinity: Existing and proposed land use designations and development on adjacent parcels; any identified natural or man-made hazards on site or in the vicinity;
  4. Proposed circulation improvements, both on and off-site: Access points and vehicular accessways, parking, loading, and pedestrian circulation; location, width and existing and proposed improvements on adjacent roadways;
  5. Public improvements: Type, location and sizes of public facilities likely to be required to support the proposal, including utilities, sewer, water and drainage, along with a plan for providing and maintaining improvements;
  6. Open space: Location, amount, type and method of maintenance for proposed open space and landscaped areas; and
  7. Community service impacts: Estimated impacts on public services, including schools, parks, fire and police protection, and solid waste disposal.

#### **Section 20.04 Development Applications**

- A. Scope. Applications for all land use decisions shall be made at the Planning Department on forms available from the Department. Each application for a land

## CHAPTER 2 ARTICLE 20 GENERAL REVIEW PROCEDURES

use decision shall be accompanied by such information and materials deemed necessary by the Department to render the requested land use decision. All applications shall comply with all applicable procedures of this section and be consistent with the following:

1. Any application made under the provisions of the Zoning Ordinance may be initiated by the City Council, or by any person who has a legal interest in the property which is the subject of the application unless otherwise indicated in this Zoning Ordinance.
  2. All land use decisions that are subject to the California Environmental Quality Act shall be reviewed by the Planning Department.
  3. When more than one (1) land use decision is required for a single project, all applications shall be filed concurrently, unless otherwise approved by the Planning Director.
  4. The Planning Department shall prepare written guidelines that set forth detailed procedures for the review of each application type, and which outline the information and materials required for each application. Any application for a land use decision that does not meet the requirements set forth in the applicable guidelines may be deemed incomplete or not accepted for filing.
- B. Application fees and deposits. Concurrent with the submittal of an application for development, a fee and/or deposit shall be made, in the amount determined by City Council resolution, to cover the cost incurred in the processing of the application(s).

### **Section 20.05 Time Limitations for Application Acceptance**

The following time limits are established for accepting land use applications as complete, unless otherwise required or authorized by applicable law.



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- A. Not later than thirty (30) days after the City has received an application for a development project, the City shall determine, in writing, whether the submitted application materials are complete, and shall immediately transmit such determination to the applicant.

Upon receipt of any resubmittal of the application, a new thirty (30) day time period shall begin during which the City shall determine the completeness of the application. If the application together with these submitted materials are determined not to be complete, the applicant may appeal the decision to require additional information to the Planning Commission, as provided for in Section 20.11 of this Article.

- B. The Planning Director or his/her designee and the applicant may mutually agree to a reasonable extension of these time limits, as permitted by State law.

#### **Section 20.06 Denial of Incomplete Applications**

- A. The applicant shall supply the requested plans and/or information within sixty (60) calendar days of the notice of incomplete filing.
- B. In the event an application is deemed incomplete and the applicant fails to provide required information within the time limits specified herein, the City shall notify the applicant, in writing, that said application may be scheduled for a public hearing and denied unless the application is deemed complete or formally withdrawn within ten (10) calendar days. Information whose absence would constitute a reason for such a denial includes:
1. Information which is to be supplied by the applicant and is necessary to prepare a legally adequate environmental document;
  2. Information without which the City's decision to approve a project would not be supported by substantial evidence.



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- C. Denial for the above reasons may be deemed by the City to be a denial without prejudice.

**Section 20.07 Time Limits for Rendering Land Use Decisions**

The following time limits are established for rendering land use decisions, unless otherwise required or authorized by applicable law.

- A. Except for legislative acts of the City Council, the City shall render its decision on a land use application within the following time limits unless otherwise required or authorized by applicable law:
1. If a Negative Declaration is prepared, or if the project is exempt pursuant to the Public Resources Code, the project shall be approved or disapproved within the time limits set forth by California Government Code Section 65950, as amended from time to time except as provided in Section 20.07.A.3.
  2. If an Environmental Impact Report (EIR) is prepared, the project shall be approved or disapproved within the time limits set forth by California Government Code Section 65950, as amended from time to time, except as provided in Section 20.07.A.3.
  3. Should compelling circumstances justify additional time to complete the environmental review process, an extension of time may be granted by the Planning Department, if the project applicant requests or consents to such an extension, subject to the applicable provisions of State law and the City's adopted CEQA Guidelines.
  4. The Planning Commission shall approve, conditionally approve, extend, or disapprove a tentative map or minor subdivision plot plan of a proposed subdivision within the legal time limits established by the Subdivision Map Act. These time limits or any other time limits for reporting and acting on maps as specified in the Title 16 (Subdivisions) of the Municipal Code or

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any other applicable adopted ordinance, policy or code, may be extended by mutual consent of the subdivider and the Planning Department. Upon consent of the subdivider, a waiver of any of these time limits may be obtained for the purpose of permitting concurrent processing of related land use applications, or an environmental review on the same development project or subdivision.

- B. When a land use application decision is contingent on approval of another application which requires legislative action, such as a general plan amendment or zone change, the time limits specified by this Section for acting on such a land use application shall commence on the effective date of the last such legislative action on which that land use application is contingent.

#### **Section 20.08 Decisions by Reviewing Authority**

- A. A reviewing authority may refer a request for a land use decision to the reviewing authority designated as the appeal body for that type of land use application. In such cases, a statement containing the reasons for referring the land use decisions shall be prepared by the referring authority.
- B. Prior to rendering a land use decision, the reviewing authority shall address each of the required findings or criteria that apply to the application type as described in this Chapter. Evidence or testimony shall be given to substantiate the reviewing authority's determination on each of the findings applicable to the case being considered, and shall be specifically cited in the action taken by the reviewing authority.
- C. From time to time, development actions may be continued. Where such continuances are requested by the applicant, the City may require payment of fees as specified by City Council resolution, to reimburse costs reasonably borne for such continuance of the public hearing.
- D. The reviewing authority may take an action of denial without prejudice on a land use application. Such action shall allow the applicant to reapply for the same

## **CHAPTER 2 ARTICLE 20 GENERAL REVIEW PROCEDURES**

permit immediately upon the effective date of the decision unless otherwise specified in the Zoning Ordinance.

- E. In approving an application for a land use decision, the reviewing authority may establish reasonable conditions to its approval that are found to be necessary to protect the public health, safety and general welfare.

### **Section 20.09 Effective Date of Land Use Decisions**

- A. Ordinances approving land use decisions shall become effective thirty (30) days after the second reading of the ordinance, unless otherwise specified within the ordinance.
- B. Land use decisions made at a public hearing shall be effective on the eleventh day after the decision date, except when the tenth such day is not a City business day. In such circumstances, the land use decision shall become effective on the second consecutive City business day following such tenth day.
- C. Land use decisions made by administrative action shall become effective on the eleventh day after the written notice of the land use decision has been deposited in the U. S. mail, except when the tenth such day is not a City business day. In such instances, the land use decision shall become effective on the second consecutive City business day following such tenth day.
- D. Notwithstanding the provisions of this Section, land use decisions which are made contingent upon approval of a legislative action, such as a general plan amendment or zone change, shall become effective on the date when the approval of the last such application to which they are subject becomes effective.

### **Section 20.10 Modifications to Land Use Approvals**

Minor modifications to the approved site plan or the conditions of approval for a development project may be approved by the Planning Director through an application



## **CHAPTER 2 ARTICLE 20**

### **GENERAL REVIEW PROCEDURES**

for a Minor Modification, pursuant to Section 26.04 of this Zoning Ordinance. However, should the Planning Director determine that the modification(s) may have significant impacts on the project site or surrounding properties, the Planning Director may require submittal of an application and approval of a Major Modification to the original project approval. In the latter case, the review procedures for the requested modification(s) shall be those which were applicable to the project when originally reviewed.

#### **Section 20.11 Appeal Procedures**

- A. Prior to its effective date, any land use decision made in accordance with the provisions of this Zoning Ordinance by a reviewing authority other than the City Council, may be appealed by the applicant, a member of the City Council, or any other person as follows: *(Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.)*
1. The Planning Commission shall consider appeals regarding land use decisions made by the Planning Director.
  2. The Planning Commission may refer consideration of an appeal to the City Council, except for those decisions involving a variance, a determination as to the completeness of an application, or the requirement for preparation of an EIR.
  3. The City Council shall consider appeals regarding land use decisions made by the Planning Commission, except as specified above.
- B. Applications for an appeal of a land use decision, including an appeal filed by a member of the City Council, shall be made upon forms supplied by the reviewing authority to which the appeal is being made. All such applications for appeals shall be submitted to the Planning Department and shall be accompanied by a written statement of the grounds upon which the appeal is based. A uniform fee, as established by the City Council, shall be paid at the time the appeal is filed. *(Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.)*



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- C. An appeal of a land use decision must be filed prior to the date on which such land use decision becomes effective, as specified in Section 20.09 of this Article. A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.
- D. Within thirty (30) days of the acceptance of an application for an appeal of a land use decision (except where otherwise provided in the State Subdivision Map Act), the Planning Director or City Clerk shall establish a hearing date and shall give notice of the date, time and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.
- E. Any member of the City Council who appeals a land use decision made in accordance with the provisions of this Zoning Ordinance to the City Council shall abstain from participating as a member of the City Council in the appeal hearing and decision, but may provide written or oral testimony on the matter to the City Council in the same manner as, and in the time provided for, members of the general public. (*Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.*)
- F. Upon hearing the appeal, the appeal body shall consider the record and such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the order, requirements, decision, determination, interpretation or ruling being appealed, or may make or substitute such other or additional decision or determination as it may find warranted under the provisions of the Zoning Ordinance, or other applicable adopted City ordinance, resolution or standards. The appeal body is subject to all of the criteria and findings requirements imposed upon the original decision maker, including the requirements for environmental review. The appropriate authority shall forthwith transmit a copy of the decision to the applicant, appellant and, in the case of a City Council decision, to the City Planning Commission.

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#### **Section 20.12 Approval Period for Conditional Land Use Decisions**

Any conditional land use decision made in accordance with the provisions of this Zoning Ordinance shall be subject to the following time limitations:

- A. Unless all conditions have been complied with and the occupancy, use or division of land authorized by the land use decision has been inaugurated or been recorded within the time specified for each land use application type within this Zoning Ordinance, the land use decision shall become null and void. For the purposes of this Section, the term "inaugurated" shall mean that applicable grading and building permits have been issued, internal infrastructure installed, foundations poured, and above ground construction initiated and ongoing.
- B. Where circumstances warrant, the reviewing authority may grant an extension of time. The length of such extension shall be determined by the reviewing authority based on the limitation specified in this Chapter, but in no case shall a conditional land use decision be extended for a total approval period exceeding five (5) years unless otherwise provided by state law. The reviewing authority of an application for an extension of time of a previously approved development project shall be the authority which reviewed the original application, except where such application was approved on appeal. All requests for a time extension shall be submitted in complete form within ninety (90) days prior to the expiration date and be deemed complete by the City by the expiration date in accordance with Sections 20.05 and 20.06.
- C. Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed within the conditional approval of a public project, extensions of time may be granted whenever warranted, provided no single action is taken to grant an extension greater than twenty-four (24) months.

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**Section 20.13 Pre-Construction Conference**

- A. The City may request that a project applicant or developer attend a pre-construction conference prior to the submittal of construction and/or grading plans for a conditionally approved development project. The purpose of this conference is to acquaint the developer with the requirements, policies and procedures of the City, to identify special conditions of approval and/or mitigation measures which must be addressed at the construction stage, and to familiarize the City with anticipated construction schedules and personnel.
- B. Application for a pre-construction conference shall be made at the Planning Department, and shall be accompanied by the required fee as adopted by the City Council. The applicant may be required to submit materials at the time of application to facilitate review of construction related issues on the project.

**Section 20.14 Final Clearance**

- A. No building, structure, or land shall be used or occupied, and no change in the existing occupancy classification or existing use of a building, structure, or land, or portion thereof, shall be made unless a Zoning Clearance is first obtained from the Planning Department, in addition to other required approvals, inspections, and certificates.
- B. New buildings

Final clearance from the Planning Department shall be granted only after such new buildings, enlargement, or alteration have been completed in conformity with the provisions of the Zoning Ordinance and with any approved site development plans and required conditions, and when the proposed use conforms to the Zoning Ordinance and any other applicable adopted City codes, resolutions, ordinances, or standards.

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### **GENERAL REVIEW PROCEDURES**

#### **C. Existing buildings and undeveloped land**

Except as provided in Article 29 (Non-Conforming Uses and Structures), final clearance from the Planning Department shall be granted for the re-use of an existing building or the use of undeveloped land only after the improvements for such building or land conform to the property development standards of the Zoning Ordinance and other applicable City ordinances, resolutions, codes, or standards. Such standards may include the provision of required walls, landscaping, parking, trash enclosures, street improvements, and all other improvements determined by the reviewing authority to be necessary or required by any regulating authority for the particular use.



**ARTICLE 21 SITE PLAN REVIEW**

**Section 21.01 Purpose**

Site Plan Review is intended to promote orderly and attractive development, recognize environmental limitations on development, stabilize land values and investments, and promote the general welfare by preventing establishment of uses or erection of structures having qualities which would not meet the specific intent clauses or performance standards of this Title or which are not properly related to their sites, surroundings, traffic circulation, or environmental setting.

**Section 21.02 General Provisions**

- A. No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development project(s) which requires Site Plan Review, without having first complied with the provisions of this Article.
- B. Where the use proposed, the adjacent land uses, environmental significance or limitations, topography, or traffic circulation is found to so require, the reviewing authority may establish more stringent regulations than those otherwise specified for the applicable zone district in which the project site is located.
- C. The following uses have been determined to be exempt from Site Plan Review requirements:
  - 1. Interior remodels which do not result in substantial changes in the character of the occupancy or use, or cause greater impact on traffic or waste disposal, as determined by the Director of Building and Safety and Planning Director;

## **CHAPTER 2 ARTICLE 21**

### **SITE PLAN REVIEW**

2. Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the Planning Director;
3. Repair and maintenance of structures or parking areas, unless constrained by existing infrastructure and existing drainage patterns and/or easements;
4. Replacement and/or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair of such structure is determined by the Director of Building and Safety and Planning Director to be consistent with the design, use and intensity of the original structure, and consistent with the zoning and General Plan designations;
5. Expansions to multiple residential, commercial or industrial buildings or structures of less than twenty-five (25) percent in total floor area or fifteen hundred (1500) square feet, whichever is greater, where the proposed expansion will not result in a change in the land use or intensity, or cause increased impacts on existing infrastructure and public services, as determined by the Planning Director. A new Site Plan Review or Major Modification shall be required where an addition, which combined with any addition approved within thirty-six (36) months of the filing of the application, exceeds twenty-five (25) percent of the total floor area or fifteen hundred (1500) square feet, whichever is greater;
6. Reductions of floor or building area within a previously approved Site Plan Review where it is determined that the modification would not result in a significant change in circumstances requiring additional environmental or planning review.
7. Single-family residential development (one residence per parcel) and duplex development (two residences per parcel), on existing lots of record.

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**SITE PLAN REVIEW**

- D. Where permitted by the zone and unless otherwise specified, the following uses shall require approval of a Site Plan Review.
1. Any use which is listed as permitted with Site Plan Review in the applicable zone district;
  2. Any new construction of a commercial, industrial, multiple family residential, or institutional use (including public and quasi-public facilities), except as otherwise specified in this Ordinance.
  3. Additions to pre-existing multiple residential, commercial or industrial structures or uses which have been legally established under the provisions of an approved Site Plan Review and which are permitted as such in the applicable zone district, which will result in an increase in total floor area of twenty-five percent (25%) or greater, or expansions of one thousand five hundred (1,500) square feet or greater;
  4. Projects involving a change or intensification of land use, when the new use is permitted in the underlying zone district with Site Plan Review.
  5. A second dwelling unit on an individual single family residential lot on which a primary dwelling unit is located, excluding Temporary Dependent Housing Units as defined in Section 26.05.
- E. All applications for Site Plan Review or a Major Modification of a Site Plan Review shall be reviewed by the Hearing Officer, which shall be the Planning Director or his/her designee, except as otherwise provided by Section 20.08.
- F. Any use existing on the effective date of this Zoning Ordinance which was permitted subject to an approved Site Plan Review shall be deemed a pre-existing use. Such use may continue in accordance with this Chapter, provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any. Any expansion, alteration, or reconstruction of a building housing a previously approved Site Plan Review use



## **CHAPTER 2 ARTICLE 21**

### **SITE PLAN REVIEW**

which has become non-conforming due to adoption of this Ordinance or any subsequent amendments thereto, shall comply with Article 29 of this Chapter regulating non-conforming uses until such use is brought into conformance with this Zoning Ordinance. Any use existing on the effective date of this Ordinance which would require approval of a Site Plan Review to be established in that zone, but for which such approval has not been obtained, shall be deemed a Non-Conforming Use and regulated by Article 29 of this Ordinance.

#### **Section 21.03 Application Procedure**

##### **A. Pre-application conference**

A conference between City staff, any referral agencies deemed necessary by the City, and the applicant may be conducted pursuant to Section 20.03.

##### **B. Formal application submittal**

1. The project applicant must be the property owner or an authorized agent of the property owner.
2. After a pre-application conference has been held, when applicable, the applicant shall prepare a comprehensive site plan and complete the required application forms supplied by the City. The applicant shall file said plans and application with the Planning Department, along with the required fee as adopted by the City Council. Information requested on the application form and other processing requirements, including but not limited to number of copies requested, maps, graphics or informational reports and studies, shall be determined by the Planning Department.
3. The applicant may be required to clarify, correct or supply additional information before the application is determined by the City to be complete. Upon making the determination as to whether the application conforms to these standards, the City will notify the applicant in writing



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**SITE PLAN REVIEW**

when the application has been accepted, or whether the application has been deemed incomplete, within the time limitations outlined in Section 20.05, of this Chapter.

**C. Site plan**

The application shall be accompanied by the required number of site plan maps, drawn at a minimum scale of 1"=20' or other scale approved by the Planning Department, on standard sheets of 24" by 36". The site plans shall indicate the location of all known and proposed easements and improvements; structures and improvements proposed to be demolished, relocated, or constructed; and all other pertinent information which can be graphically depicted on the plan, as specified in the checklist provided by the Planning Department.

**D. Drawings and elevations**

Elevations showing the general appearance, features and heights of proposed structures shall be submitted, as required on the application checklist.

When required by the Planning Department, drawings and elevations shall be submitted in addition to those accompanying the site plan, which shall include but not be limited to the following:

1. Roof overhangs and any other parts of the structures that protrude from the building surfaces.
2. Details indicating rooftop screening materials, methods, and a view analysis of proposed screening, when required.
3. Uses of each room or floor plans, if required.

## **CHAPTER 2 ARTICLE 21**

### **SITE PLAN REVIEW**

#### **Section 21.04 Approval Requirements**

- A. A Site Plan Review approval shall apply only to the property for which the application was made, and shall apply to that property as long as the use for which approval was granted is in effect, regardless of changes in ownership.
- B. A project approved by Site Plan Review shall be inaugurated within thirty-six (36) months from the effective date of the decision. One or more extensions of time, not to exceed a total of twenty-four (24) months from the original expiration date, may be granted pursuant to Section 20.12, of this Chapter.
- C. The following requirements may be placed upon the development project by the reviewing authority as conditions of approval:
  - 1. Dedications and/or easements for streets, alleys, drainage, public utilities, recreational trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties.
  - 2. On and off-site improvements, including but not limited to the following:
    - a. Grading, drainage, and drainage structures necessary to protect the public safety;
    - b. Curbs and gutters, street pavement, sidewalks, street lights and traffic control devices, and bus turnouts and shelters; all road improvements are to be constructed pursuant to plans and specifications of the Public Works Department of the City of Palmdale;
    - c. Adequate water service and fire protection equipment, pursuant to plans and specifications of the Public Works Department of the City of Palmdale and Los Angeles County Fire Department;

- d. Sanitary sewer facilities and connections;
- e. Services from public utilities where provided;
- f. Street trees and landscaping;
- g. On-site landscaping, walls and/or fences, trash enclosures, and lighting fixtures;
- h. Pedestrian walkways and site amenities, including seating and other fixtures, where appropriate;
- i. In addition to the above requirements, the reviewing authority shall require such additional improvements and facilities as determined reasonably necessary for the proper development of the site and the area.

**Section 21.05 Determination by the Approval Authority**

The approval authority shall determine the merits of the proposed development project and its compliance with the principles, standards, policies and goals of the General Plan, Zoning Ordinance and other applicable ordinances and codes adopted by the City of Palmdale, in order to protect the public health, safety and general welfare. Approval shall be based upon the following minimum criteria, which shall also constitute the findings to be made by the approval authority in approving or denying a Site Plan Review project:

- A. The proposed use is consistent with the goals, policies, and objectives of the General Plan;
- B. The proposed use is consistent with the purpose, intent and standards of the Zoning Ordinance and other applicable ordinances and codes adopted by the City of Palmdale.

## **CHAPTER 2 ARTICLE 21**

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- C. The site for the proposed use is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application except as otherwise specified in the Site Plan Review. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
- D. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances, or hazards.
- E. The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

#### **Section 21.06 Revisions and Modifications**

Revisions or modifications of Site Plan Review cases can be requested by the applicant.

##### **A. Minor revisions**

A revision or modification to an approved Site Plan Review such as, but not limited to, minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the Planning Director upon submittal of an application, required materials and applicable fees for Minor Modification, pursuant to Section 26.04.

##### **B. Major revisions**

A major revision or modification to an approved Site Plan Review such as, but not limited to, change in conditions, expansions, intensification, location, or hours of operation, may be requested by the applicant. Such request shall be processed through application of a Major Modification or new Site Plan Review, pursuant to the provisions contained in this Chapter.



**CHAPTER 2 ARTICLE 21  
SITE PLAN REVIEW**

**Section 21.07 New Applications Following Denial**

Following the denial of an application for a Site Plan Review, no application for a Site Plan Review for the same or substantially the same use and design on the same or substantially the same site shall be filed within one (1) year from the date of denial.



**ARTICLE 22 CONDITIONAL USE PERMITS**

**Section 22.01 Purpose**

The purpose of a Conditional Use Permit is to allow certain uses that contribute to the orderly growth and development of the City to be properly integrated into the surroundings in which they are to be located. The Conditional Use Permit process is intended to provide an opportunity for public review and evaluation of site specific requirements and characteristics, to provide adequate mitigation of any potentially adverse impacts, and to ensure that all site development regulations and performance standards are provided in accordance with the Zoning Ordinance. In addition, the Conditional Use Permit ensures ongoing compliance with conditions of operation which may be applied to the use in order to protect public health, safety and welfare, and to ensure compliance with the General Plan goals, objectives and policies.

**Section 22.02 General Provisions**

- A. No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require a Conditional Use Permit, without having first complied with the provisions of this Chapter.
- B. In granting any Conditional Use Permit, the reviewing authority shall affix those conditions which it deems necessary in order to safeguard the public health, safety and general welfare of the district and to ensure compliance with the General Plan. Where the use proposed, the adjacent land uses, environmental significance or limitations, topography, or traffic circulation is found to so require, the reviewing authority may establish more stringent regulations than those otherwise specified for the zone district in which the project is located.
- C. Any use existing on the effective date of this Zoning Ordinance which was permitted subject to an approved Conditional Use Permit shall be deemed a pre-existing conditional use. Such use may continue in accordance with this

## **CHAPTER 2 ARTICLE 22**

### **CONDITIONAL USE PERMITS**

Ordinance, provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any. Any expansion, alteration, or reconstruction of the use or a building housing a previously approved conditional use which has become non-conforming due to adoption of this Ordinance or any subsequent amendments thereto shall comply with Article 29 of this Chapter regulating non-conforming uses, until such use is brought into conformance with the Zoning Ordinance. Any use existing on the effective date of this Ordinance which would require approval of a Conditional Use Permit to be established in that zone, but for which such approval has not been obtained, shall be deemed a Non-Conforming Use and regulated by Article 29 of this Ordinance.

- D. The Planning Commission shall review requests for Conditional Use Permits at a public hearing, pursuant to Section 20.02 of this Chapter.
- E. Uses listed as "Uses Permitted Subject to Approval of a Conditional Use Permit" may be permitted in the applicable zone districts pursuant to the provisions of this Article.

#### **Section 22.03 Application Procedure**

- A. Pre-application conference

A conference between City staff, any referral agencies deemed necessary by the City, and the applicant may be conducted pursuant to Section 20.03.

- B. Application submittal

- 1. The project applicant must be the property owner or an authorized agent of the property owner.
- 2. After a pre-application conference has been held, when applicable, the applicant shall prepare a comprehensive site plan and complete the



## CHAPTER 2 ARTICLE 22 CONDITIONAL USE PERMITS

required application forms supplied by the City. The applicant shall file said plans and application with the Planning Department, along with the required fee as adopted by the City Council. Information requested on the application form and other processing requirements, including but not limited to number of copies requested, maps, graphics or informational reports and studies, shall be determined by the Planning Department.

3. The applicant may be required to clarify, correct or supply additional information before the application is determined by the City to be complete. Upon making the determination as to whether the application conforms to these standards, the City will notify the applicant in writing when the application has been accepted, or whether the application has been deemed incomplete, within the time limitations outlined in Section 20.05, of this Zoning Ordinance.

### C. Site plan

The application shall be accompanied by the required number of site plans, drawn at a minimum scale of 1"=20' or other scale approved by the Planning Department, on standard sheets of 24" by 36". The site plans shall indicate the location of all known and proposed easements and improvements; structures and improvements proposed to be demolished, relocated, or constructed; and all other pertinent information which can be graphically depicted on the plan, as specified in the checklist provided by the Planning Department.

### D. Drawings and elevations

Elevations showing the general appearance and features of proposed structures shall be submitted, as required on the application checklist.

When required by the Planning Department, drawings and elevations shall be submitted in addition to those accompanying the site plan, which shall include but not be limited to the following:

## **CHAPTER 2 ARTICLE 22**

### **CONDITIONAL USE PERMITS**

1. Roof overhangs and any other parts of the structures that protrude from the building surfaces.
2. Details indicating rooftop screening materials, methods and view analysis of proposed screening, when required.
3. Uses of each room, or floor plans, if required.

E. Other pertinent information, as required

Where deemed necessary by the Planning Department to complete the City's review and evaluation of the proposed use, additional information may be required regarding ongoing use of the site, including but not limited to hours of operation, provisions for on- or off-site security, and other similar conditions of operation.

#### **Section 22.04 Approval Requirements**

- A. Conditional Use Permit approval shall apply only to the property for which the application was made, and shall apply to that property as long as the use for which approval was granted is in effect, regardless of changes in ownership.
- B. A Conditional Use Permit shall be inaugurated within the period of time specified by the Planning Commission, not to exceed thirty-six (36) months from the effective date of the decision, except as otherwise specified in the conditional use permit. One or more extensions of time, not to exceed a total of twenty-four (24) months from the original expiration date, except as otherwise specified in the conditional use permit, may be granted pursuant to Section 20.12, of this Zoning Ordinance.
- C. The following requirements may be placed upon the development project by the reviewing authority as conditions of approval:

**CHAPTER 2 ARTICLE 22**  
**CONDITIONAL USE PERMITS**

1. Dedications and/or easements for streets, alleys, drainage, public utilities, recreational trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties.
2. On and off-site improvements, including but not limited to the following:
  - a. Grading, drainage and drainage structures necessary to protect the public safety;
  - b. Curbs and gutters, street pavement, sidewalks, street lights, traffic control devices and bus turnouts and shelters; all road improvements are to be constructed pursuant to plans and specifications of the Public Works Department of the City of Palmdale;
  - c. Adequate water service and fire protection equipment, pursuant to plans and specifications of the Public Works Department and Los Angeles County Fire Department;
  - d. Sanitary sewer facilities and connections;
  - e. Services from public utilities where provided;
  - f. Street trees and landscaping;
  - g. On-site landscaping, walls and/or fences, trash enclosures, and lighting fixtures;
  - h. Surfacing of parking areas subject to City specifications;

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### **CONDITIONAL USE PERMITS**

- i. In addition to the above requirements, the reviewing authority shall require such additional improvements and facilities as determined reasonably necessary for the proper development of the site and area.
3. Regulation of uses and operations on the site, including but not limited to the following:
  - a. Regulation of use;
  - b. Regulation of time for certain activities;
  - c. Duration of use;
  - d. Regulation of noise, vibration, odors and lights;
  - e. Maintenance of special yards, spaces and buffer areas;
  - f. Regulation of points of vehicular ingress and egress;
  - g. Regulation of signs;
  - h. Required landscaping and site maintenance;
  - i. Such other conditions as will make possible the development of the site and surrounding area in an orderly and efficient manner, and in conformity with the intent and purposes of this Zoning Ordinance.

#### **Section 22.05 Determination by the Approval Authority**

The approval authority will determine the merits of the proposed Conditional Use Permit, and its compliance with the principles, standards, policies and goals of the General Plan, Zoning Ordinance and other applicable ordinances and codes adopted



## CHAPTER 2 ARTICLE 22 CONDITIONAL USE PERMITS

by the City of Palmdale, in order to protect the public health, safety and general welfare. Approval shall be based upon the following minimum criteria, which shall also constitute the findings to be made by the approval authority in approving or denying a Conditional Use Permit:

- A. The proposed use is consistent with the goals, policies, and objectives of the General Plan.
- B. The proposed use is beneficial and desirous to the community and is consistent with the purpose, intent and standards of the Zoning Ordinance and other applicable ordinances and codes adopted by the City of Palmdale.
- C. The site for the proposed use is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application.
- D. The proposed use and the on-going operation of the use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances, or hazards.
- E. The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

### **Section 22.06 Revisions and Modifications**

Revisions or modifications of Conditional Use Permits can be requested by the applicant in accordance with the procedures and criteria specified below. Further, the Planning Commission may periodically review, modify or revoke a Conditional Use Permit as specified herein.

## **CHAPTER 2 ARTICLE 22**

### **CONDITIONAL USE PERMITS**

#### **A. Revisions/modifications by applicant**

##### **1. Minor revisions**

A revision or modification to an approved Conditional Use Permit such as, but not limited to, minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the Planning Director upon submittal of an application, required materials, and applicable fees for Minor Modification, pursuant to Section 26.04.

##### **2. Major revisions**

A major revision or modification to an approved Conditional Use Permit such as, but not limited to, change in conditions, expansions, intensification, location, or hours of operation, may be requested by the applicant. Such request shall be processed through application of a major modification or new Conditional Use Permit, as determined by the Planning Director.

#### **B. Review by Planning Commission**

The Planning Commission may periodically review any Conditional Use Permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Commission deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set.

#### **C. Modification or revocation by the Planning Commission**

1. After setting a date for public hearing, the Planning Director shall notify the applicant and owners of the Conditional Use Permit in question. Such notice shall be sent by certified mail and shall state that the Commission

**CHAPTER 2 ARTICLE 22**  
**CONDITIONAL USE PERMITS**

will be reviewing the Conditional Use Permit for possible modification or revocation. It shall also state the date, time and place of hearing. The public hearing shall be conducted and notice given in accordance with Section 20.02 of this Ordinance.

2. The Planning Director shall fully investigate the evidence and prepare a report for the Planning Commission's consideration. Upon conclusion of the public hearing, the commission shall render a decision to do one of the following measures:
  - a. Find that the conditional use is being conducted in compliance with the terms and conditions of the Conditional Use Permit and in an appropriate manner and that no action to modify or revoke is necessary; or
  - b. Find that the conditional use is not being conducted in compliance with the terms and conditions of the Conditional Use Permit and in an appropriate manner and that modifications to conditions are necessary; or,
  - c. Find that the conditional use is not being conducted in compliance with the terms and conditions of the Conditional Use Permit and in an appropriate manner and that measures are not available to mitigate the impacts of the use; upon making this determination, the Planning Commission may revoke the Conditional Use Permit and order the operation to cease and desist in the time allotted by the Commission.
3. If the Planning Commission either modifies or revokes a Conditional Use Permit, the resolution shall state reasons for such action.

**CHAPTER 2 ARTICLE 22**  
**CONDITIONAL USE PERMITS**

**D. New applications following denial or revocation**

Following the denial or revocation of a Conditional Use Permit application, no application for a Conditional Use Permit for the same or substantially the same use and design or use of the same or substantially the same site shall be filed within one (1) year from the date of denial or revocation.



**CHAPTER 2 ARTICLE 23  
VARIANCES AND MINOR EXCEPTIONS**

**ARTICLE 23 VARIANCES AND MINOR EXCEPTIONS**

**Section 23.01 Purpose**

The purpose of a variance or minor exception shall be to ensure that no property, because of special circumstances specifically related to its size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone district.

**Section 23.02 General Provisions**

- A. In no case shall a variance or minor exception be granted to permit a use other than a use permitted or conditionally permitted in the zone district applicable to the property.
- B. Any variance or minor exception granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

**Section 23.03 Reviewing Authority**

- A. The reviewing authority may grant minor exceptions and variances from any property development standard (including setbacks and heights) in the City's adopted Zoning Ordinance, subject to the procedures set forth in this Chapter.
- B. Review and approval for the following minor exception requests will be through Administrative Review, pursuant to the following provisions and based upon the findings contained in Section 23.06.C, except that if the development project proposed such minor exception will be reviewed by the Planning Commission or

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City Council, the reviewing authority for the project may approve the minor exception in conjunction with the project approval.

1. Fence height. The maximum height of any fence, wall, hedge, or equivalent screening may be increased by a maximum of two (2) feet, where topography or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, or to provide additional security when warranted, provided that the increased height does not encroach into the Vehicle Site Distance or otherwise impede visibility of motorists. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997)*
2. Setbacks. The minimum setback may be decreased by not more than ten (10) percent where the proposed setback area or yard is in character with the surrounding neighborhood and is not required as an essential open space or recreational amenity to the use of the site, and where such decrease will not unreasonably affect abutting sites. Notwithstanding the provisions of this paragraph, a minor exception may be granted to allow reduction of a required side yard on a single family residential lot by not more than five (5) feet, if it can be determined that the tentative tract map in which the lot is located was approved prior to the effective date of this Ordinance and that development patterns or conditions within the lot or tract make a larger setback impractical.
3. Lot coverage. The maximum lot coverage may be increased by not more than ten (10) percent of the lot area, where such increases are necessary for improved site planning or architectural design, creation or maintenance of views, or otherwise facilitate desirable features or amenities, and where such increase will not unreasonably affect abutting sites.
4. Off-site parking. A maximum of ten (10) percent of the required parking for a use may be located on a contiguous site. Said parking shall not be located more than three hundred (300) feet walking distance from the building entrance on the site of the use which such parking will serve,

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provided that the Planning Director determines that the use will be served as effectively, safely, and conveniently as it would be served if parking was located on the site for which it is required. For the purpose of this Section, contiguous shall mean sharing a common lot line and shall not include parcels, separated by a public right-of-way. The reviewing authority shall require an agreement to ensure on-going availability and maintenance of off-site parking facilities, pursuant to Section 87.05.A.3.

5. On-site parking. A maximum ten (10) percent reduction in the required on-site parking spaces may be granted pursuant to Section 87.03.C. The reviewing authority may grant reductions in the number of required parking spaces in accordance with an approved Transportation Demand Management program, pursuant to Section 87.03.B.5 or for provision of a bus turnout, pursuant to Section 87.03.B.6.
6. Minor reconfiguration of existing parking. The reviewing authority may authorize minor reconfiguration of an existing parking lot in order to comply with the requirements of the Americans with Disabilities Act. Such reconfiguration may include a maximum ten (10) percent reduction of the applicable onsite parking requirements when it is demonstrated that the reduction will not result in a traffic hazard.
7. Loading Facilities. A maximum reduction in the number of loading spaces on one (1) space may be granted by the reviewing authority, based upon a finding supported by evidence that such space will not be needed by the use.
8. Height. The reviewing authority may authorize a ten (10) percent increase in the maximum height limitation for structures, not including signs. Such increases may be approved where necessary to significantly improve the site plan or architectural design, and where scenic views or solar access on surrounding properties are not affected.



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9. On-site landscaping. The reviewing authority may authorize a ten (10) percent decrease in the required on-site landscaping requirement, where it can be demonstrated that such reduction is necessary in order to provide for necessary public transportation and transit improvements, such as bus turnouts and turning lanes; where site constraints preclude the relocation of such landscaping to another location; and where the overall appearance of the site will not be adversely affected.
10. Landscape setback area. The reviewing authority may allow averaging of the required landscape setback area adjacent to arterial streets, provided the following conditions are met:
  - a. The required on-site landscaping requirement is fully met on the site; and
  - b. No more than thirty (30%) percent of the landscape setback area along the site frontage shall be allowed to be reduced in width; and
  - c. In no case shall the landscaped setback area be less than the ten (10) feet in width; and
  - d. The overall landscape design shall not be adversely affected.
11. Downtown Parking Reduction Study. A reduction in quantity of on-site parking or loading facilities required for uses in the Downtown Commercial Zone may be approved by the Planning Director and City Traffic/Transportation Engineer in consideration of any of the following factors: *(Zoning Ordinance Amendment 96-1 adopted by City Council April 10, 1996.)*
  - a. Availability and proximity of on-street parking and/or municipal parking lots: Striped on-street parking, unstriped but permitted on street parking, median parking and parking within future municipal parking lots may be counted towards meeting a portion of the parking requirements, provided that the Downtown Parking Permit



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applicant can demonstrate the following to the satisfaction of the Planning Director:

(i) On-street public parking, which is underutilized during the peak hours of the proposed business operation, exists within 500 feet of the subject property.

(ii) Off-street municipal parking lots, which are underutilized during the peak hours of the proposed business operation, exist within 500 feet of the subject property.

It shall be the responsibility of the applicant to obtain and submit evidence supporting the off-site parking findings listed above.

- b. Provision of transit shelters may qualify a proposed project for a parking credit of up to ten (10) percent towards the overall parking requirements listed in this Article. Provision of bus benches or bus turnout may qualify a proposed project for a parking credit of up to five (5) percent towards the overall parking requirements listed in this Article.
- c. Provision of any three or more Pedestrian Amenities listed in Section 75.03(f) may qualify a proposed project for a parking credit of up to five (5) percent towards the overall parking requirements listed in this Article.
- d. Any project which provides both transit and pedestrian amenities as described above may qualify for a cumulative parking credit of up to fifteen (15) percent.
- e. The Planning Director and City Traffic/Transportation Engineer will review and consider requests for reductions in the quantity of required parking or loading facilities for any use where the applicant can submit reliable and compelling evidence to

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demonstrate the adequacy of a lesser quantity of required parking or loading facilities. Said evidence shall normally consist of a parking study or parking survey, prepared by a qualified individual and meeting appropriate technical standards as deemed necessary by the City Planning Director and City Traffic/Transportation Engineer.

- f. Joint use of loading zones may be incorporated into a Downtown Parking Reduction study. When considering a request for joint use of loading zones, the reviewing authority shall consider proximity of the loading zone to the uses being served, the nature of the uses being served, their demand for frequent or continuous loading and the nature of the goods being loaded.
  - g. Any change of use, change in combination of uses or change in location shall require application and approval of a new Downtown Parking Reduction Study
12. Other deviations from development standards determined by the Planning Director to be minor in nature, provided that such deviation does not exceed ten (10) percent of any required specification and no adverse effects will result from the deviation. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
- C. In calculating percentages specified in Section 23.03.B., rounding up of fractions shall not be permitted.
  - D. Any request to deviate from development standards required by this Zoning Ordinance which is not listed in Section 23.03.B. shall be deemed a variance and shall be reviewed by the Planning Commission at a public hearing.
  - E. The Planning Commission is authorized to grant variances in accordance with the procedures in this Chapter, with respect to development standards which include but are not limited to the following:

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1. Fences, walls, and screening;
2. Site area, width, and depth;
3. Front, rear, and side yards;
4. Lot coverage;
5. Height of structures;
6. Landscaping;
7. Usable open space;
8. Performance standards;
9. Parking facilities; any reduction in the number of spaces shall be reviewed pursuant to the requirements of Section 87.22. Provision of off-site parking is subject to the provisions of Section 87.05.A.3.
10. Loading areas and facilities, provided that any reduction in the number of loading spaces is supported by evidence demonstrating that the space will not be needed by the use.
11. Sign height, number, and location.

**Section 23.04 Application Procedures**

- A. An application for a minor exception or variance shall be filed with the Planning Department, along with the required fee. The signed application shall be made by the property owner or his authorized agent.

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- B. An application for a minor exception or variance shall be accompanied by all required materials and a site plan showing the subject property as well as the surrounding area. Plans of the subject property shall show all existing and proposed buildings and uses, and any other data required by the Planning Department to adequately review the application.

#### **Section 23.05 Approval Requirements**

The following requirements may be placed upon a minor exception or variance by the reviewing authority as conditions of approval. All such conditions shall be binding upon the applicants and their successors.

- A. Requirements for special yards, open spaces, buffers, fences, walls, and screening;
- B. Requirements for installation and maintenance of landscaping and erosion control measures;
- C. Requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation;
- D. Requirements for maintenance of landscaping and other improvements;
- E. Establishment of development schedules or time limits for performance, completion, or removal;
- F. Requirements for periodic review by the reviewing authority;
- G. Any other such conditions as the reviewing authority may deem reasonably necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare, and to enable the reviewing authority to make the findings required by Section 23.06.C. of this Chapter.



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**Section 23.06 Determination by the Approval Authority**

**A. Minor exception**

In evaluating a request for a minor exception, the Planning Director shall determine that the request satisfies the applicable requirements of Section 23.03.B. and the required findings contained in paragraph C below and, if granted, is consistent with the General Plan and all applicable codes and ordinances. Prior to rendering a decision, the Planning Director shall provide written notice to contiguous property owners of the requested minor exception. Such notice shall contain a description of the type and location of the requested minor exception and the anticipated decision date, and shall allow ten (10) days to submit comments to the City. Upon the passage of ten (10) days, the Director may render a decision.

**B. Variance**

The Planning Commission will determine the merits of any proposed variance, and its compliance with the principles, standards, policies, and goals of the General Plan and the Zoning Ordinance. Approval of any Variance shall be based upon the findings to be made by the approval authority in approving or denying a variance as contained in paragraph C of this Section.

**C. Findings for approval of a minor exception or variance**

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, so that the strict application of this Zoning Ordinance would deprive such property of privileges enjoyed by other properties in the vicinity and under identical land use district classification;
2. Granting the minor exception or variance is necessary for the preservation and enjoyment of a substantial property right possessed by other

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properties in the same vicinity and land use district and denied to the property for which the variance is sought;

3. Granting the minor exception or variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the properties or improvements in such vicinity and land use district in which the property is located;
4. Granting the minor exception or variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located.

#### **Section 23.07 New Application Following Denial**

Following the denial of a minor exception or variance application, no application for the same or substantially the same application on the same or substantially the same site shall be filed within one year of the date of denial.

#### **Section 23.08 Appeal Procedure**

- A. Prior to its effective date, any decision made on a minor exception request by the Planning Director may be appealed to the Planning Commission, pursuant to the provisions of Section 20.11.
- B. Prior to its effective date, any decision made on a variance by the Planning Commission may be appealed to the City Council, pursuant to the provisions of Section 20.11.

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**Section 23.09 Voiding of Variances or Minor Exceptions**

- A. Except as otherwise provided in this Section, any variance or minor exception granted under the provisions of this Ordinance shall become null and void unless:
  - 1. The construction authorized by said variance or minor exception has been inaugurated within twelve (12) months of the effective date of said variance or minor exception, and pursued diligently to completion; or
  - 2. The occupancy of land or buildings authorized by such variance or minor exception has taken place within twelve (12) months of the effective date of such variance or minor exception.
- B. Where a variance request is granted concurrently with one or more other entitlements, the variance shall be in effect for the time period allotted under the other land use entitlements, not to exceed an initial period of thirty-six (36) months.
- C. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limits established herein, the reviewing authority may grant an extension of time for a period not to exceed twelve (12) additional months except as provided herein. Where a Variance request is granted concurrently with one or more entitlements, an extension of the variance may be considered by the reviewing authority concurrently with the time extension requests for the other entitlements; however, in no event shall a variance be extended beyond the expiration date of any other land use entitlement on the project site.
- D. The reviewing authority may void any variance or minor exception for non-compliance with the conditions set forth in approving the variance or minor exception.





ARTICLE 24 ZONING ADMINISTRATION

Section 24.10 Zone Changes

A. Purpose

Whenever the public necessity, convenience, general welfare, or the policies set forth in the General Plan justify such action, zoning boundaries may be amended through the procedures established in this section.

B. General provisions

1. A change in the boundaries of any zone may be initiated by the owner or the authorized agent of the owner of property, by filing an application for a zone change as prescribed in this Section. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application. If deemed appropriate by the City to expand the boundaries of any proposed zone change, notice shall be given to all property owners within the proposed expansion boundaries.
2. A change in the boundaries of any zone may be initiated by the City Council.
3. An application for a zone change may be filed concurrently with any other application(s) on the same property.
4. Following the denial of an application for a change in zone, an application for the same or substantially the same change shall not be accepted within one year of the date of denial.
5. A change in zone shall be indicated on the Zoning Map, along with a notation listing the number and date of each Ordinance amending the Zoning Map, within the revision block of said map.

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**C. Application procedure**

1. An application for a change of zone shall be made on a form provided for that purpose by the Planning Department, along with the required fee as established by City Council resolution.
2. The Planning Director may require additional information if deemed necessary to enable the Planning Commission and City Council to determine whether the change is consistent with the standards of this Zoning Ordinance and the maps and policies of the General Plan.

**D. Action by Planning Commission**

1. The Planning Commission shall hold a public hearing on each application for a zone change. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time.
2. The Planning Commission shall determine whether the proposed zone change is consistent with the required findings for approval as set forth in paragraph F of this section, and, if so, shall recommend to the City Council that the zone change be granted or granted in a modified form. If the Planning Commission determines that the proposed change does not meet the required findings for approval, the Planning Commission shall deny the application and their action is final, unless the matter is set for hearing pursuant to Section 20.11 and Section 65856 of the California Government Code.
3. When the Commission determines, following a public hearing on a proposed zone change, that a change to a zone classification other than the proposed classification specified in the hearing notice is desirable, the Commission may recommend an alternate classification, following new notice and public hearing. The Commission must determine that the recommended alternative is more appropriate for the subject property and is consistent with the General Plan and the Zoning Ordinance.

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**E. Action by the City Council**

1. Upon recommendation of the Planning Commission to approve a proposed zone change, the City Council shall hold a public hearing. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time.
2. Following the closing of a public hearing, the Council shall make specific findings as to whether the change is consistent with the objectives of this Zoning Ordinance and the General Plan. If the Council makes these findings, as contained in paragraph F of this section, it shall introduce an ordinance amending the Zoning Map.
3. The City Council shall not modify a recommendation of the Planning Commission on a zone change until it has requested and considered a report of the Planning Commission on the modification. Failure of the Commission to report within forty-five (45) calendar days after receipt of the Council request shall be deemed concurrence.

**F. Required findings for approval**

Approval of a change of zone shall be based on the following findings:

1. The proposed change in zone is consistent with the General Plan.
2. The site of the proposed change in zone is suitable for any of the land uses permitted within the proposed zone district.
3. The proposed change in zone is reasonable and beneficial at this time.
4. The proposed change in zone will not have a substantial adverse effect on surrounding properties or the community in general.

## **CHAPTER 2 ARTICLE 24 ZONING ADMINISTRATION**

### **G. Pre-zoning**

1. For the purpose of establishing zone district boundaries to become effective only upon annexation, property outside the corporate boundaries of the City of Palmdale and within the adopted sphere of influence may be classified within one or more zones in the same manner and subject to the same procedural requirements as prescribed for property within the City.
2. Upon passage of an ordinance establishing the applicable pre-zoning designation for property outside the City, the Zoning Map shall be revised to show the potential or "pre-zoned" classification to become effective upon annexation. The Zoning Map shall also identify each zone or zones applicable to such property with the label "Pre-zoning" or "PZ" in addition to such other map designation as may be applicable.

### **Section 24.11 Zoning Ordinance Amendments**

#### **A. Purpose**

These provisions are intended to provide the City Council with a procedure to amend the Zoning Ordinance when deemed necessary or appropriate to protect public health, safety and welfare or to implement the policies of the General Plan.

#### **B. General provisions**

1. A Zoning Ordinance amendment may be initiated by any person or entity having a legal interest in property within the City. If the amendment is directly related to a parcel of land, the owner or the authorized agent of the owner of property must file the application. Further, if property that is the subject of an application is in more than one ownership, all of the owners or their authorized agents must join in filing the application.
2. A Zoning Ordinance amendment may be initiated by the City Council.



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ZONING ADMINISTRATION**

3. Following the denial of an application for a Zoning Ordinance amendment, an application for the same or substantially same amendment shall not be accepted within one (1) year of the date of denial, except as initiated by the Planning Commission or City Council.
4. A Zoning Ordinance amendment adopted by the City Council shall be incorporated into the Zoning Ordinance.

**C. Application procedure**

1. An application shall be made on a form provided for that purpose by the Planning Department. An application initiated by a private person or agency shall be accompanied by a fee established by City Council resolution and all necessary application materials.
2. The Planning Director may require additional information if necessary to enable the Commission and Council to determine whether the amendment is consistent with the objectives of the City's General Plan.

**D. Action by Planning Commission**

1. The Planning Commission shall hold a public hearing on each application for a Zoning Ordinance amendment. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time.
2. The Planning Commission shall determine whether the Zoning Ordinance amendment is consistent with the required findings for approval as set forth in paragraph F of this section, and shall recommend to the City Council that the Zoning Ordinance amendment be approved, approved as amended, or denied based upon said findings.

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#### **E. Action by City Council**

1. Upon recommendation of the Planning Commission on a proposed zone change, the City Council shall hold a public hearing. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time.
2. Following the closing of a public hearing, the Council shall determine whether the proposed Zoning Ordinance amendment meets the criteria as set forth in the required findings for approval in paragraph F of this section. If the Council makes these required findings, it shall introduce an Ordinance amending the Zoning Ordinance.
3. The Council shall not modify a recommendation of the Planning Commission on a Zoning Ordinance amendment until it has requested and considered a report of the Commission on the modification. Failure of the Commission to report within forty-five (45) calendar days after receipt of the Council request shall be deemed a concurrence.

#### **F. Required findings for approval**

Prior to taking an action to approve or recommend approval of a Zoning Ordinance amendment, the reviewing authority shall find as follows:

1. The proposed Zoning Ordinance amendment conforms with the goals, objectives and policies of the General Plan.
2. The proposed Zoning Ordinance amendment is necessary to implement the General Plan and to provide for public safety, convenience and/or general welfare.
3. The proposed Zoning Ordinance amendment conforms with the intent of the Zoning Ordinance and is consistent with all other related provisions thereof.

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4. The proposed Zoning Ordinance amendment is reasonable and beneficial at this time.

**Section 24.12 Determination on Unlisted Uses**

**A. Purpose**

The procedures contained in this Section allow the Planning Director upon a written request, or the Planning Commission upon referral by the Planning Director, to determine whether a use not specifically listed as a use that is principally permitted or conditionally permitted in a particular zoning district of the City, should be given such designation based upon a similarity to uses already listed.

**B. General provisions**

1. Where the term "similar uses permitted by Planning Director determination" is mentioned within any zone district, it shall be deemed to mean other uses which, in the judgment of the Planning Director as evidenced by a written decision, are similar to and not more objectionable to the general welfare than those uses specifically listed in the same district.
2. The Planning Director may refer a determination on an unlisted use to the Planning Commission, pursuant to Section 20.08.
3. In no instance shall the Planning Director or the Planning Commission determine, nor shall these regulations be so interpreted, that a use shall be permitted in a zone when such use is specifically first listed as permissible in a zone district allowing more intensive uses.
4. The procedures of this Article shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses.

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5. The Planning Commission may, on its own motion or at the request of any party affected thereby, reconsider and change a written decision regarding uses previously determined by the Planning Commission or by the Planning Director.
6. The Planning Director's determination regarding conformance of a use to a zone district may be appealed to the Planning Commission, pursuant to Article 20, Section 20.11. The Planning Commission's determination regarding conformance of a use to a zone district may be appealed to the City Council, pursuant to Article 20, Section 20.11.

#### **C. Application procedure**

Application for a Determination on an Unlisted Use shall be made in writing to the Planning Director, and shall include a detailed description of the proposed use and such other information as may be required to facilitate review of the request, along with the required fee as established by resolution of the City Council.

#### **D. Investigation and report**

The Planning Director shall prepare a report which will address the following, and shall submit copies to the applicant and to the Planning Commission:

1. Comparison of the proposed use to the type and intensity of other uses principally permitted or conditionally permitted in the same zone district;
2. Evaluation of the purpose and intent of that zone district;
3. Review of the General Plan to compare the proposed use characteristics with the applicable goals and objectives.



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**E. Determination**

The Planning Director, or the Planning Commission upon referral by the Planning Director, shall base the decision upon the following findings:

1. The use in question is of a similar type and intensity to other principally permitted or conditionally permitted uses in the same zone district.
2. The use in question meets the purpose and intent of the district in which it is proposed.
3. The use in question meets and conforms to the applicable policies and maps of the General Plan.



**ARTICLE 25 PROCESSING OF AGREEMENTS**

**Section 25.10 Development Agreements**

**A. Purpose**

This Section provides procedures and requirements for the consideration of development agreements for the purposes specified in and as authorized by Section 65864 et. seq. of the California Government Code.

**B. General Provisions**

1. Only a qualified applicant may file an application for a Development Agreement. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the Development Agreement, or an authorized agent of a person who has a legal or equitable interest. The Planning Director may require an applicant to submit a title report or other evidence satisfactory to the Planning Director to verify the applicant's interest in the real property and of the authority of the agent to act for the applicant.
2. An application for a development agreement may be filed concurrently with any other application(s) having a direct relationship to the property which is the subject of the proposed agreement.

**C. Application procedure**

1. An application for a development agreement shall be made on a form provided for that purpose by the Planning Department, along with the required fee and deposit established by the City Council
2. A draft of the proposed development agreement (along with the required number of copies) may be submitted along with the application. Said

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### **PROCESSING OF AGREEMENTS**

agreement shall be in a form acceptable to the City Attorney. If deemed appropriate, the City Attorney may draft the initial agreement for review by the parties thereto. Any legal fees incurred by the City in drafting or reviewing a development agreement shall be paid by the applicant.

3. The Planning Director may require additional information if deemed necessary to enable the Planning Commission and City Council to determine whether the development agreement is consistent with the objectives of the City's General Plan and any applicable specific plan.

#### **D. Action by Planning Commission**

1. The Planning Commission shall hold a public hearing on an application for a development agreement. The hearing shall be set and notice given as prescribed in Chapter 20.02. The hearing may be continued from time to time.
2. The Planning Commission shall determine whether the development agreement is consistent with the required findings for approval as contained in paragraph F of this section, and shall recommend to the City Council that the development agreement be approved, approved as amended, or denied.

#### **E. Action by City Council**

1. Upon receiving a recommendation from the Planning Commission on a proposed development agreement, the City Council shall hold a public hearing. The hearing shall be set and notice given as prescribed in Chapter 20.02. The hearing may be continued from time to time.
2. Following the closing of a public hearing, the Council shall determine if the Development Agreement is consistent with the findings contained within paragraph F of this section. If determined to be consistent, the City



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Council shall introduce an ordinance adopting the development agreement.

**F. Required findings for approval**

Prior to taking an action to approve or recommend approval of a development agreement, the reviewing authority shall find as follows:

1. The proposed development agreement conforms with the maps and policies of the General Plan and any applicable specific plan.
2. The proposed development agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.
3. The proposed development agreement will not be detrimental to or cause adverse effects to adjacent property owners, residents, or the general public.
4. The proposed development agreement provides clear and substantial benefit to the residents of the City of Palmdale.

**G. Ongoing review**

The City shall periodically review all approved development agreements to determine whether the applicant, or successor in interest thereto, is demonstrating good faith compliance with the terms of the agreement. This review process may require the submittal of an application form, materials, and fees as established by City Council resolution.

**H. Amendments to approved development agreements**

Any amendment to a previously-approved development agreement shall be reviewed pursuant to the procedures outlined in this Section for a new application.

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#### **Section 25.11 Density Bonus Agreements**

##### **A. Purpose**

This Section provides procedures and requirements for the consideration of density bonus agreements for the purposes specified in and as authorized by Section 65915 et. seq. of the California Government Code.

##### **B. General provisions**

1. Only a qualified applicant may file an application for a density bonus agreement. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the density bonus agreement, or an authorized agent of a person who has a legal or equitable interest. The Planning Director may require an applicant to submit a title report or other evidence satisfactory to the Planning Director to verify the applicant's interest in the real property and the authority of the agent to act for the applicant.
2. Where a density bonus request does not involve an existing development, the application for a density bonus agreement shall be filed concurrently with all other development application(s).
3. The density bonus agreement may only be requested for development projects consisting of (prior to any density increase) five or more dwelling units.
4. For the purposes of this Article, a "density bonus" shall mean an increase in residential density from that otherwise allowable under the General Plan (the base density), or one or more incentives provided to a developer in return for provision of housing at affordable levels.
5. When determining the number of units which are affordable, the density bonus shall not be included.

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6. When calculating base density or density bonus numbers, any fractional portion of a unit shall not be rounded up.
7. In accordance with Program H1.B of the General Plan Housing Element, density bonuses may be granted as follows:
  - a. Twenty-five percent (25%) for a project in which ten percent (10%) of the units are affordable to households earning fifty percent (50%) of median income; or twenty percent (20%) of the units are affordable to households earning sixty percent (60%) of median income; or fifty percent (50%) of the units are designated for qualifying senior citizens.
  - b. Up to an additional twenty-five percent (25%) of base density (for a total of up to fifty percent (50%)) may be granted if additional units are provided at affordable levels based upon the percentages specified in paragraph 7.a. above.
  - c. In no case shall a density bonus be granted for more than fifty percent (50%) of base density.
  - d. For any density bonus granted under the provisions of this Section, the developer shall agree to ensure continued affordability of all lower income density bonus units for no less than 30 years.

**C. Application procedure**

1. An application for a density bonus agreement shall be made on a form provided for that purpose by the Planning Department, along with the required fee and/or deposit established by the City Council.
2. The application shall be accompanied by the appropriate number of draft density bonus agreements as listed on the application. Said agreement

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shall be in a form acceptable to the City Attorney and may include the following provisions as well as any other deemed necessary by the City during review of specific proposals:

- a. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon any or all successor in interest of the developer, and shall be recorded in the Office of the Los Angeles County Recorder, prior to issuance of any building permits for the project;
  - b. The developer shall give the City the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;
  - c. The deeds to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sales price of the units is consistent with the limits established for very low, low- and/or moderate-income households, which shall be related to the Consumer Price Index;
  - d. The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.
3. The Planning Director may require additional information if deemed necessary to enable the Planning Commission and City Council to determine whether the density bonus agreement is consistent with the objectives of the City's General Plan and any applicable specific plan. This may include, but not be limited to, a market feasibility/absorption study for the proposed project.



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**D. Action by Planning Commission**

1. The Planning Commission shall hold a public hearing on an application for a density bonus agreement. The hearing shall be set and notice given as prescribed in Chapter 20.02. The hearing may be continued from time to time.
2. The Planning Commission shall determine whether the density bonus agreement is consistent with the required findings for approval as set forth in paragraph F of this section, and shall recommend to the City Council that the density bonus agreement be approved, approved as amended, or denied.

**E. Action by City Council**

1. Upon receiving a recommendation from the Planning Commission on a proposed density bonus agreement, the City Council shall hold a public hearing. The hearing shall be set and notice given as prescribed in Chapter 20.02. The hearing may be continued from time to time.
2. Following the closing of a public hearing, the Council shall determine if the density bonus agreement is consistent with the findings contained within paragraph F of this section. If determined to be consistent, the City Council shall introduce an ordinance adopting the development agreement.

**F. Required findings for approval**

Prior to taking an action to approve or recommend approval of a density bonus agreement, the reviewing authority shall find as follows:

1. The proposed density bonus agreement is consistent with the maps and policies of the General Plan and any applicable specific plan.

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2. The proposed density bonus agreement complies with the requirements of California Government Code Section 65915 et. seq.
3. The granting of the proposed density bonus will result in provision of housing for persons with special needs, as identified in the Housing Element.
4. The granting of the proposed density bonus will not have an adverse impact on adjacent properties or on the general public.

#### **G. Ongoing review**

The City shall periodically review all approved density bonus agreements to determine whether the applicant, or successor in interest thereto, is demonstrating good faith compliance with the terms of the agreement. This review process may require the submittal of an application form, materials and fees as established by City Council resolution.

#### **H. Amendments to approved density bonus agreements**

Any amendment to a previously-approved development agreement shall be reviewed pursuant to the procedures outlined in this Section for a new application.

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**ARTICLE 26 MISCELLANEOUS ADMINISTRATIVE APPROVALS**

**Section 26.01 General Provisions**

**A. Purpose**

This Article specifies the procedures for review of a variety of minor development applications and approvals. These applications include Subdivision Development Plans, Zoning Clearances, Minor Modifications to Approved Plans, Temporary Dependent Housing, Home Occupation Permits, Exotic Animal Permits, Additional Animal Permits and Large Family Day Care Permits.

**B. Review authority**

The reviewing authority for the applications described in this Article shall be the Planning Director, or his or her designee, except as otherwise authorized by Section 20.08. As provided in this Chapter, the reviewing authority is authorized to approve, impose reasonable conditions upon such approval, or deny such applications under the Administrative Review procedures as deemed necessary to protect the public health, safety and welfare.

**Section 26.02 Subdivision Development Plan Review**

**A. Purpose**

The Subdivision Development Plan (SDP) process provides for the review of building plans associated with residential subdivisions. The SDP Review process involves the review and approval of plot plans, unit mixes, elevations, street tree plans, and other applicable development plans to ensure that the conditions of approval applied to the subdivision map are being met, and that the unit mix and lotting concept promotes a functional, high quality living environment for current and future residents.

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**B. Application procedure**

1. A Subdivision Development Plan Review application shall be submitted and approved prior to the issuance of building permits for any single family detached residence located within a tract.
2. An application shall be made on a form provided for that purpose by the Planning Department, and submitted along with the required fee as established by City Council resolution.
3. The Planning Director may require additional information and modification of any plans deemed necessary to ensure compliance with applicable ordinances and conditions of approval, prior to taking any action on a Subdivision Development Plan application.

**C. Review criteria**

Any application for a Subdivision Development Plan Review shall be evaluated using the following criteria:

1. The plan shall be consistent with the policies and maps of the General Plan.
2. It can be determined that the plan, through its unit design and lotting, creates a functional, efficient and aesthetically beneficial living environment for its future residents.
3. The plan complies with all applicable terms of City ordinances and codes.
4. There are no violations of the Municipal Code existing on the subject property.
5. The Plan is consistent with and complies with the requirements and conditions of the tentative map and any other related entitlements.



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D. Time period for approval

Subdivision Development Plans shall remain valid until such time as new or modified plans are submitted or for as long as the underlying tract map is in effect.

**Section 26.03 Zoning Clearance Review**

A. Purpose

The Zoning Clearance procedure is intended to ensure that a proposed use of land and/or existing building(s), or the minor alterations of land and building(s) within the City, meet the requirements of the Zoning Ordinance and, if applicable, the conditions of approval for a previously approved permit.

B. General provisions

1. A Zoning Clearance shall be obtained prior to the initiation of a use of land and/or the construction of structures requiring a building permit when no discretionary review process is otherwise applicable to the proposed initiation of use or construction. Projects requiring a Zoning Clearance include, but are not limited to establishment of a new use within an existing building in conjunction with obtaining a Business License; individual custom homes on lots of record; and minor additions to residential structures or lots, including patio covers, pools/spas and detached accessory structures.
2. In no case shall a Zoning Clearance be issued for a use other than a use permitted within that zone district.

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**C. Application procedure**

1. A request for a Zoning Clearance shall be submitted on a form provided for that purpose by the Planning Department, along with the required fee as established by the City Council.
2. The Planning Director may require additional information including but not limited to, parking summaries and a written description of use(s) prior to taking any action on a Zoning Clearance.
3. A Zoning Clearance shall be filed by the owner of the subject property or his or her authorized agent.

**D. Review criteria**

A Zoning Clearance shall be approved provided that the proposed use of land or structures:

1. Is permissible under the present zoning on the land and does not require additional land use entitlements such as a Conditional Use Permit or Site Plan Review;
2. Is consistent with the policies and maps of the General Plan;
3. Complies with all applicable terms and conditions of any existing entitlement;
4. Meets all applicable Zoning Ordinance requirements including, but not limited to, minimum structure design, construction standards and setbacks, or has been deemed to be legally non-conforming with respect to these standards; and
5. There are no violations of the Municipal Code existing on the subject property.

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**E. Modification or revocation by the Planning Director** *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

1. If the Planning Director determines that the use approved under the Zoning Clearance is not in compliance with the requirements of this Section, the Planning Director shall notify the owner of the subject property or his or her authorized agent of the date for a hearing on the use's compliance with this Section. Such notice shall be sent by certified mail and shall state that the Planning Director will be reviewing the Zoning Clearance for possible modification or revocation. It shall also state the date, time and place of the hearing. The hearing shall be conducted and notice given in accordance with Section 20.02 of this Zoning Ordinance.
2. The Planning Director shall fully investigate the evidence and prepare a report regarding the reported violation of the Zoning Clearance requirements. A copy of the report shall be sent to the property owner or his or her authorized agent. Upon conclusion of the hearing, the Planning Director shall make one of the following determinations and take such accompanying action:
  - a. Find that the use is being conducted in an appropriate manner and that no action to modify or revoke the Zoning Clearance is necessary; or,
  - b. Find that the use is not being conducted in an appropriate manner and impose modifications to conditions as are necessary; or,
  - c. Find that the use is not being conducted in an appropriate manner and that measures are not available to mitigate the impacts of the use. Upon making this determination, the Planning Director may revoke the Zoning Clearance approval and order the property owner or his or her authorized agent to cease and desist in the time specified by the Director.

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**F. Effective period of Zoning Clearance approval**

A Zoning Clearance verifies that a specified use or structure is consistent with the Zoning Ordinance and applicable City ordinances and policies on the date of its issuance. Any change to the use or structure, or any change to the applicable Ordinance provisions, may invalidate the Zoning Clearance.

**Section 26.04 Minor Modifications to Approved Plans**

**A. Purpose**

The Minor Modification process provides a means of reviewing requests for proposed changes to approved development plans which, as determined by the Planning Director based upon the criteria specified in paragraph D of this Section, are minor in nature and which are in substantial conformance with previously approved entitlements or conditions of approval.

**B. Application procedure**

1. An application for a Minor Modification meeting the criteria specified in Section 26.04.C. shall be filed prior to the commencement of any construction related to the modification.
2. A Minor Modification shall be filed by the owner of the subject property or his or her authorized agent.
3. A request for a Minor Modification shall be submitted on a form provided for that purpose by the Planning Department, along with the required fee established by the City Council.



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4. The Planning Director may require additional information and/or refer the application to pertinent departments/agencies as deemed necessary prior to taking any action on a Minor Modification.

**C. Applicability**

The Minor Modification procedure may be utilized for the following types of revisions to previously-approved development projects:

1. To allow minor reconfiguration of an architectural feature that does not modify the previously approved theme or plan for the project;
2. To allow minor changes to approved building footprint(s) within the buildable area of a project site;
3. To allow the replacement of one model floor plan or elevation for another on a previously approved Subdivision Development Plan;
4. To allow the replotting of no more than twenty-five (25) percent of lots within any tract or phase tract provided that the number of lots replotted does not exceed fifteen (15);
5. To allow minor reconfiguration or striping of parking lots which will not decrease the number of parking spaces for an approved project;
6. To allow minor changes in building materials and colors for an approved project;
7. To allow the addition of minor accessory structures to an approved project, provided that such structure(s) will not increase the total building area by more than five (5) percent;

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8. To allow the fulfillment of a condition of approval in a manner which may vary from that specified in the original condition, provided that the intent and purpose of such original condition is fully met; or
9. Other requests similar to the above minor modifications, as determined by the Planning Director.

**D. Review criteria**

A Minor Modification may be approved provided that the proposed modification:

1. Is listed under Section 26.04.C. above and does not require additional land use entitlements such as a Conditional Use Permit or Site Plan Review;
2. Is consistent with the policies and maps of the General Plan;
3. Complies with the purpose and intent of all applicable terms and conditions of the existing entitlement;
4. The proposed structure or addition meets all applicable Zoning Ordinance requirements including, but not limited to, minimum structure design, construction standards and setbacks; and
5. There are no violations of the Municipal Code existing on the subject property.

**Section 26.05 Temporary Dependent Housing**

**A. Purpose**

The intent of this Section is to establish procedures for permitting temporary dependent housing (TDH) units on lots zoned for residential uses; to implement

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State law requiring consideration for such uses; to protect and preserve existing neighborhoods by ensuring, through established standards, that temporary dependent housing units shall be compatible with existing adjacent and neighboring residential uses; and to provide opportunities for affordable housing for persons sixty-two (62) years of age and older, or handicapped persons.

**B. General provisions**

1. For purposes of this Section, temporary dependent housing unit (TDH unit) shall be defined as a detached or attached dwelling unit intended for the sole occupancy of one or two adult persons who have reached the age of sixty-two (62) years, or are handicapped. A TDH unit provides for complete, independent living facilities for one (1) or two (2) persons, inclusive of, but not limited to, provisions for living, sleeping, eating, cooking, access and sanitation, on the same lot as the permitted primary dwelling.
2. A TDH unit shall comply with the minimum residential structure design and construction standards contained in Section 41.09.G. and 91.02 of this Zoning Ordinance. *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

**C. Application procedure**

1. A request for a TDH unit shall be submitted on a form provided for that purpose by the Planning Department, along with the required fee established by resolution of the City Council.
2. The Planning Director may require additional information and refer the application to pertinent departments/agencies as deemed necessary prior to taking any action on a proposed TDH unit.

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**D. Review criteria**

Any application for a TDH unit shall apply with the development standards contained in Section 91.02.

**E. Modification or revocation by the Planning Director**

1. If the Planning Director determines that an approved Temporary Dependent Housing (TDH) unit is not in compliance with the requirements of this Section, the Planning Director shall notify the owner of the subject property or his or her authorized agent of the date for a hearing on the use's compliance with this Section. Such notice shall be sent by certified mail and shall state that the Planning Director will be reviewing the TDH unit for possible modification or revocation. It shall also state the date, time and place of the hearing. The hearing shall be conducted and notice given in accordance with Section 20.02 of this Zoning Ordinance.
2. The Planning Director shall fully investigate the evidence and prepare a report regarding the reported violation of the TDH unit requirements. A copy of the report shall be sent to the property owner or his or her authorized agent. Upon conclusion of the hearing, the Planning Director shall make one of the following determinations and take such accompanying action:
  - a. Find that the use is being conducted in an appropriate manner in compliance with this Section and that no action to modify or revoke the TDH unit is necessary; or,
  - b. Find that the use is not being conducted in an appropriate manner and impose modifications to conditions as are necessary; or,
  - c. Find that the use is not being conducted in an appropriate manner and that measures are not available to mitigate the impacts of the



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use. Upon making this determination, the Planning Director may revoke the TDH unit approval and order the property owner or his or her authorized agent to cease and desist in the time specified by the Director.

**F. Approval period**

1. Approval of a TDH unit shall apply only to the property for which the application was made, and shall apply to that property as long as the unit is maintained and continuously occupied in conformance with the provisions of Section 26.05 and any other conditions imposed at the time of approval.
2. For the purposes of this Section, a TDH unit shall be deemed continuously occupied where the unit is occupied by qualified resident(s) for no less than nine (9) of twelve (12) months of the year and is the permanent addressed residence of such occupants. At such time as the TDH unit is abandoned, the property owner shall remove or convert the unit in a safe and efficient manner as determined by the City. If the TDH unit is attached to the primary structure, it shall be altered to remove the separate kitchen facilities so as to convert it to a usable portion of the principal structure.

**Section 26.06 Home Occupation Permit**

**A. Purpose**

The purpose of the Home Occupation Permit provisions is to permit the establishment and operation of businesses within the home, in such a way as to minimize any impacts of such businesses on adjacent properties or the general neighborhood. Home occupations are limited to those uses which may be conducted within a residential dwelling, without in any way changing the appearance or condition of the residence or the surrounding neighborhood.

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- B. No home occupation may occur and no permit for a home occupation shall be issued unless the procedures and criteria specified in this Section are satisfied.
- C. Application procedure
  - 1. Application for a Home Occupation Permit shall be filed with the Planning Department, along with a fee as established by resolution of the City Council.
  - 2. The reviewing authority shall review the request for a home occupation permit to ensure compliance with the criteria for operations established in this Section. In rendering a decision, the reviewing authority shall clearly state, in writing, any conditions of approval or reasons for denial.
- D. Mandatory conditions for operation

Home occupations may be permitted on property used for residential purposes, provided that the use is operated pursuant to the following conditions of operation:

- 1. The home occupation shall be incidental and secondary to the use of the dwelling for residential purposes.
- 2. There shall be no customers, clients, nor visitors coming to the residence for purposes of the home occupation except for the purpose of individual instruction such as academic tutoring or music lessons. (*Zoning Ordinance Amendment 95-3 adopted by City Council October 11, 1995.*)
- 3. No signs relating to the home occupation shall be allowed.
- 4. Advertising shall not include the residential address.

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5. No one other than a resident of the dwelling shall be employed on the premises in the conduct of a home occupation.
6. Home Occupation Permits are valid only for the person(s) and residence approved by the City and are nontransferable.
7. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted.
8. There shall be no entrance or exit specifically provided or marked on the dwelling or on the premises for the conduct of the home occupation.
9. A home occupation shall be conducted entirely within the dwelling unit and the activities of such home occupation shall not be visible, or otherwise noticeable, outside the dwelling unit structure.
10. There shall be no home occupation activities that are objectionable due to glare, dust, fumes, odor, vibration, noise or that disturb the peace.
11. No equipment or process shall be used which creates visual or audible electrical or mechanical interference in any radio or television receiver or other device outside the dwelling unit structure, or causes fluctuations in the line voltage outside the dwelling unit structure.
12. The home occupation shall not require any upgraded utility service capacity beyond that which is customary for residential service. Separate utility meters which serve only the home occupation shall not be permitted. *(Zoning Ordinance Amendment 95-3 adopted by City Council October 11, 1995.)*

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13. A garage may be used for home occupation purposes; provided, however, that such use shall not interfere with the maintenance of two parking spaces. No portion of an accessory structure, carport or similar structure, except a garage, shall be used for home occupation purposes.
14. No mechanical or construction equipment which is not typically found in residential districts shall be stored on the premises. Warehousing of goods, wares or merchandise shall be prohibited. *(Zoning Ordinance Amendment 95-3 adopted by City Council October 11, 1995.)*
15. No vehicles or trailers except those normally incidental to a residential use shall be parked so as to be visible from the public right-of-way.
16. The home occupation shall not cause, involve or result in the use of commercial vehicles for deliveries to or from the premises, excluding a vehicle not to exceed 3/4 ton capacity which shall be registered to the operator of such home occupation.
17. Use of the United States Postal Service in conjunction with appropriate uses as determined by the Director of Planning, such as mail order businesses, shall be done by means of a post office box.
18. No deliveries may originate from or be made to the premises except during the hours of 9:00 a.m. to 5:00 p.m.
19. The home occupation shall not generate vehicular traffic and/or vehicular parking which degrades or is otherwise detrimental to the residential nature of the neighborhood.
20. If the home occupation is to be conducted in a rental unit, a written statement from the property owner giving his or her permission for operation of the home occupation shall be provided to the City.



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21. The home occupation shall not affect nor reduce the parking spaces required by the Zoning Ordinance.
22. Home occupations shall not involve the use and/or on-site storage of chemicals, flammable materials, or other hazardous materials except as may be permitted by the Uniform Fire Code.
23. The operator of a home occupation shall obtain and maintain a current business license from the City.
24. No home occupation shall include the sale or storage of fire arms, ordnance, ammunition or other weapons which are regulated by the Bureau of Alcohol, Tobacco and Firearms, at the site of the home occupation. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

**E. Additional conditions for mobile businesses**

Home Occupation Permits for mobile businesses may be permitted, provided that the mobile business is operated pursuant to the Mandatory Conditions of Operation described above in paragraph D, in addition to the following conditions which specifically apply to mobile businesses:

1. The service provided by the mobile business must be in compliance with the zone in which the work is performed.
2. The mobile business must comply with all applicable requirements of any agency with regulatory or permitting authority over the conduct of that business.
3. Any automotive-related services shall be limited to cleaning, detailing, and minor replacement or repair to glass and/or accessory parts; no mobile business operating under a Home Occupation Permit shall be permitted to conduct auto repair, auto body or engine work.

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4. No work shall be conducted in a publicly accessible parking lot; however, work may be conducted in parking lots which are restricted to employees only.
5. No work shall be conducted on city-owned property, including parks, park and ride lots, parking lots, or public rights-of-way.

**F. Review by Planning Director**

The Planning Director may periodically review any home occupation permit to ensure that it is being operated in a manner consistent with the conditions of operation and in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Planning Director deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set.

**G. Modification or revocation by the Planning Director**

1. If the Planning Director determines that the Home Occupation is not being conducted in compliance with the requirements of this Section, the Planning Director shall notify the operator of the Home Occupation of the date for a hearing on the operator's compliance with this Section. Such notice shall be sent by certified mail and shall state that the Planning Director will be reviewing the Home Occupation Permit for possible modification or revocation. It shall also state the date, time and place of the hearing. The hearing shall be conducted and notice given in accordance with Section 20.02 of this Zoning Ordinance. (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)
2. The Planning Director shall fully investigate the evidence and prepare a report regarding the reported violation of the Home Occupancy requirements. A copy of the report shall be sent to the operator of the Home Occupation. Upon conclusion of the hearing, the Planning Director shall make one of the following determinations and take such

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accompanying action: *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

- a. Find that the Home Occupation Permit is being conducted in an appropriate manner and that no action to modify or revoke the permit is necessary; or
- b. Find that the Home Occupation Permit is not being conducted in an appropriate manner and impose modifications to conditions as are necessary; or,
- c. Find that the Home Occupation Permit is not being conducted in an appropriate manner and that measures are not available to mitigate the impacts of the business. Upon making this determination, the Planning Director may revoke the Home Occupation Permit and order the operation to cease and desist in the time specified by the Director.

**H. Lapse of approval**

- 1. A home occupation permit, approved under the provisions of this Section, shall become null and void upon expiration of a business license issued in conjunction with the home occupation permit and will require the filing of a new application, including applicable fees, with the City.
- 2. Where a home occupation permit has been nullified pursuant to Section 26.06.G., a new application for the same or substantially the same occupation may be filed immediately.

**I. New application following denial**

Following the denial or revocation of a home occupation permit, no application for a home occupation permit for the same or substantially the same occupation

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on the same site shall be filed within one (1) year from the date of denial or revocation.

**Section 26.07 Exotic Animal Permit**

**A. Purpose**

The purpose of these provisions is to ensure that the keeping of exotic animals as defined in Section 16.05, will not be detrimental to the public health, safety and welfare; that adjacent property owners and residents are notified of the proposed keeping of exotic animals; and that such animals are provided with adequate facilities to ensure their health and well-being.

**B. General provisions**

1. An Exotic Animal Permit shall be required to keep any exotic animal as an accessory use to a primary single family detached residential use, as permitted in the zone district. Keeping of exotic animals in multiple family or attached dwelling units is not permitted.
2. Any required State permits for the keeping of a wild or exotic animal shall be obtained prior to granting of an Exotic Animal Permit.

**C. Application procedure**

1. An application to keep an exotic animal shall be filed with the Planning Department, along with a fee as established by the City Council.
2. The review procedure shall be Administrative Review, pursuant to Section 20.01.A.3. of this Ordinance.



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**D. Requirements for keeping exotic animals**

The approval to keep exotic animals shall be based upon the applicant's adherence to the following requirements:

1. The keeping of the animal must comply with all Zoning Ordinance requirements for animal enclosures, including setbacks from property lines and other dwellings;
2. The keeping of the animal must comply with all applicable Federal and State requirements;
3. No more than two (2) exotic animals over the age of six (6) months may be kept as an accessory use to a single-family residence, unless a Conditional Use Permit for a menagerie or zoo has been approved.
4. Each exotic animal must have sufficient area to be maintained and exercised in a normal healthy manner, as determined by a City-approved veterinarian.
5. Any noise, odor or activity associated with the exotic animal(s) shall be contained within the site.
6. Any other conditions as deemed reasonably appropriate by the Planning Director.

**E. Determination by the approval authority**

In evaluating an application for an exotic animal permit, the Planning Director shall determine that the request satisfies the requirements contained in paragraph D above and, if granted, is consistent with the General Plan and all applicable codes and ordinances. Prior to rendering a decision, the Planning Director shall provide written notice to contiguous property owners of the request

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to keep one or more exotic animals. Such notice shall contain a description and location of the requested type and number of animals and the anticipated decision date, and shall allow ten (10) days to submit comments to the City. Upon receipt of response(s) from contiguous owner(s) or the passage of ten (10) days, whichever occurs first, the Director may render a decision.

F. **Modification or revocation by the Planning Director** *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

1. If the Planning Director determines that an approved Exotic Animal Permit is not in compliance with the requirements of this Section, the Planning Director shall notify the owner of the subject property or his or her authorized agent of the date for a hearing on the use's compliance with this Section. Such notice shall be sent by certified mail and shall state that the Planning Director will be reviewing the Exotic Animal Permit for possible modification or revocation. It shall also state the date, time and place of the hearing. The hearing shall be conducted and notice given in accordance with Section 20.02 of this Zoning Ordinance.
2. The Planning Director shall fully investigate the evidence and prepare a report regarding the reported violation of the Exotic Animal Permit requirements. A copy of the report shall be sent to the property owner or his or her authorized agent. Upon conclusion of the hearing, the Planning Director shall make one of the following determinations and take such accompanying action:
  - a. Find that the keeping of exotic animals is being conducted in an appropriate manner in compliance with this Section and that no action to modify or revoke the permit is necessary; or,
  - b. Find that the keeping of exotic animals is not being conducted in an appropriate manner and impose modifications to conditions as are necessary; or,

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- c. Find that the keeping of exotic animals is not being conducted in an appropriate manner and that measures are not available to mitigate the impacts of the use. Upon making this determination, the Planning Director may revoke the Exotic Animal Permit approval and order the property owner or his or her authorized agent to cease and desist in the time specified by the Director."

**Section 26.08 Additional Animals Permit**

**A. Purpose**

The purpose of these provisions is to allow keeping of additional animals over those permitted by the underlying zone standards, and to ensure that the keeping of such animals will not be detrimental to the public health, safety and welfare; that adjacent property owners and residents are notified of the proposed keeping of additional animals; and that such animals are provided with adequate facilities to ensure their health and well-being.

**B. General provisions**

An Additional Animals Permit shall be required to keep animals that are permitted as an accessory use in the underlying zone, where the number of such animals exceeds the number permitted in the zone. Keeping of additional animals in multiple family or attached dwelling units is not permitted.

**C. Application procedure**

- 1. An application to keep additional animal(s) shall be filed with the Planning Department, along with a fee as established by the City Council.
- 2. The review procedure shall be Administrative Review, pursuant to Section 20.01.A.3. of this Ordinance.

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**D. Requirements for keeping additional animals**

The approval to keep additional animals shall be based upon the applicant's adherence to the following requirements:

1. The keeping of the animal(s) must comply with all Zoning Ordinance requirements for animal enclosures, including setbacks from property lines and other dwellings;
2. The keeping of the animal(s) must comply with all applicable Federal and State requirements;
3. The total number of animals kept on a property shall in no case exceed twice the number permitted in the zone, unless a Conditional Use Permit has been approved.
4. Each animal must have sufficient area to be maintained and exercised in a normal healthy manner, as determined by a City-approved veterinarian.
5. Any noise, odor or activity associated with the animal(s) shall be contained within the site.
6. Any other conditions as deemed reasonably appropriate by the Planning Director.

**E. Determination by the approval authority**

In evaluating an application for an Additional Animal(s) Permit, the Planning Director shall determine that the request satisfies the requirements contained in paragraph D above and, if granted, is consistent with the General Plan and all applicable codes and ordinances. Prior to rendering a decision, the Planning Director shall provide written notice to contiguous property owners of the request to keep additional animals. Such notice shall contain a description and location



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of the requested type and number of animals and the anticipated decision date, and shall allow ten (10) days to submit comments to the City. Upon receipt of response(s) from contiguous owner(s) or the passage of ten (10) days, whichever occurs first, the Director may render a decision. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)

**F. Modification or revocation by the Planning Director** (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)

1. If the Planning Director determines that an approved Exotic Animal Permit is not in compliance with the requirements of this Section, the Planning Director shall notify the owner of the subject property or his or her authorized agent of the date for a hearing on the use's compliance with this Section. Such notice shall be sent by certified mail and shall state that the Planning Director will be reviewing the Exotic Animal Permit for possible modification or revocation. It shall also state the date, time and place of the hearing. The hearing shall be conducted and notice given in accordance with Section 20.02 of this Zoning Ordinance.
2. The Planning Director shall fully investigate the evidence and prepare a report regarding the reported violation of the Exotic Animal Permit requirements. A copy of the report shall be sent to the property owner or his or her authorized agent. Upon conclusion of the hearing, the Planning Director shall make one of the following determinations and take such accompanying action:
  - a. Find that the keeping of exotic animals is being conducted in an appropriate manner in compliance with this Section and that no action to modify or revoke the permit is necessary; or,
  - b. Find that the keeping of exotic animals is not being conducted in an appropriate manner and impose modifications to conditions as are necessary; or,

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- c. Find that the keeping of exotic animals is not being conducted in an appropriate manner and that measures are not available to mitigate the impacts of the use. Upon making this determination, the Planning Director may revoke the Exotic Animal Permit approval and order the property owner or his or her authorized agent to cease and desist in the time specified by the Director.

**Section 26.09 Large Family Day Care Permit**

**A. Purpose**

The purpose of these provisions is to allow establishment of Large Family Day Care facilities within residential neighborhoods, in order to provide for quality care of the community's children in a home-like setting while ensuring that the surrounding neighborhood is not adversely impacted by the operation.

**B. General provisions**

A Large Family Day Care Permit shall be required to establish a day care use in a single family residence where between seven (7) and twelve (12) children under the age of eighteen (18), plus up to two (2) additional school age children as permitted by the State Department of Social Services, are cared for. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

**C. Application procedure**

1. An application to establish a Large Family Day Care facility shall be filed with the Planning Department, along with a fee as established by the City Council.
2. The review procedure shall be Administrative Review, pursuant to Section 20.01.A.3 of this Ordinance.

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**D. Requirements for establishment and operation of a Large Family Day Care facility**

The approval to establish and operate a Large Family Day Care facility shall be based upon the applicant's adherence to the following requirements:

1. The operator of the facility must reside in the dwelling unit in which the facility is operated.
2. The facility may only be operated within a detached single family dwelling unit having sufficient indoor and outdoor area to meet state and county requirements, including a fenced play area.
3. The operator must obtain and comply with all applicable approvals of other agencies, including state licensing and building, fire and health codes.
4. No day care facility shall be located along any dead end street or cul-de-sac on which a day care facility is currently operating. The boundary of a parcel or lot containing a day care center in any structure shall be separated from the boundary of any other parcel or lot containing a day care center by not less than three hundred (300) feet.
5. No more than fourteen (14) children may be supervised at the day care facility at any given time, including children who reside at the home. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
6. No signs advertising the day care service shall be allowed, either on or off of the premises.
7. Large Family Day Care permits are valid only for the person(s) and residence approved by the City and are nontransferable.

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8. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the day care use in such a manner as to change the residential character and appearance of the dwelling.
9. There shall be no entrance or exit specifically marked on the dwelling or on the premises for the conduct of the day care use.
10. Adequate area shall be available for a drop-off and pick-up zone for parents, so as to avoid any adverse traffic or parking impacts to the residential neighborhood.
11. Any employees coming to the residence to assist in the day care operation shall be provided with an on-site parking space.
12. If the day care use is to be conducted in a rental unit, a written statement from the property owner giving his or her permission for operation of the use on the premises shall be provided to the City.
13. The operator of a Large Family Day Care facility shall obtain and maintain a current business license from the City.
14. Outdoor play areas along common property lines with residential uses shall be screened with not less than a six (6) foot high sight-obscuring fence, wall or hedge.
15. The site must be landscaped in a manner compatible with adjacent residences.
16. Lot size, building size, setbacks and lot coverage shall conform to those applicable to the zone district.



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**E. Determination by the approval authority**

In evaluating an application for a Large Family Day Care permit, the Planning Director shall determine that the request satisfies the requirements contained in paragraph D above and, if granted, is consistent with the General Plan and all applicable codes and ordinances. Prior to rendering a decision, the Planning Director shall provide written notice to owners of property located within one hundred (100) feet of the parcel which is the subject of the request to establish a Large Family Day Care facility. Such notices shall contain a description and location of the request and the anticipated decision date, and shall allow ten (10) days to submit comments to the City. Upon receipt of response(s) from contiguous owner(s) or the passage of ten (10) day, whichever occurs first, the Director may render a decision.



**ARTICLE 27 TEMPORARY USES**

**Section 27.01 Purpose**

The purpose of this Article is to regulate land use activities of a temporary nature so as to protect the public health, safety, and welfare. The intent of these regulations is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residents and land owners, and to minimize any adverse effects on surrounding properties and the environment.

**Section 27.02 General Provisions**

- A. Temporary uses shall be established only in those zone districts where temporary uses are expressly permitted or conditionally permitted.
- B. A temporary use or structure (as defined in Section 16.20) which does not have a valid and current temporary use permit as specified herein is hereby declared to be a public nuisance, subject to the enforcement provisions of the Municipal Code and other applicable laws.
- C. The reviewing authority may approve, conditionally approve or deny a permit for a temporary use, and may establish conditions and limitations, including but not limited to hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize potential effects on properties adjacent to and in the vicinity of the proposed temporary use.
- D. Unless otherwise specified in this Article, all sites utilized for temporary uses shall be cleaned of trash, debris and any temporary structures within five (5) days after the termination of such event.

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- E. The City may require a cash deposit or other security as approved by the City Attorney to defray the costs of cleanup of a site by the City, in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject zone district.
- F. A change in ownership or operator of a use or structure subject to a temporary use permit, as specified in this Article, or an approved change or modification to the structure or use allowed on a parcel subject to such a permit, shall not affect the time periods established by this Article which allow such temporary uses or structures.

#### **Section 27.03 Permits Required for Temporary Uses**

Applications for temporary uses shall be filed with the Planning Department, along with the required fee, and shall be subject to the requirements and criteria specified herein and to any other additional conditions that the City determines to be reasonably necessary to ensure that the use will not be injurious to health, safety or welfare.

##### **A. Special Event Permit**

A Special Event Permit shall be required for the following temporary uses:

1. Parking lot and sidewalk sales for businesses located within a commercially designated property, subject to the development standards and sign standards contained within the Zoning Ordinance and other applicable requirements. Such sales shall be limited to not more than ten (10) days of operation in any ninety (90) day period.
2. Grand openings and anniversary events for businesses located within a commercially designated property, subject to the development standards and sign standards contained within the Zoning Ordinance and other



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applicable requirements. Such events shall be limited to a maximum of five (5) days and be held no more than once annually.

3. Outdoor art and craft shows and exhibits, limited to not more than ten (10) days of operation or exhibition in any ninety (90) day period.
4. Bazaars, pony rides, festivals and similar events, limited to not more than ten (10) days of operation in any ninety (90) day period.
5. Mobile health services, including medical, dental or veterinary services, blood-mobiles or health fairs, limited to not more than ten (10) days of operation in any ninety (90) day period. Health fairs may include corporate massage pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.)*
6. Parades, and other events conducted within the public right-of-way shall be subject to the provisions of Title 12 of the Palmdale Municipal Code.

### B. Temporary Use Permit

A Temporary Use Permit shall be required for the following temporary uses:

1. Christmas tree lots, pumpkin lots, haunted houses and firework stands, subject to the following guidelines and conditions:
  - a. All such uses shall be located on commercially zoned and designated property.
  - b. Christmas tree sales shall be limited to the period of time between December 1 and December 25, both dates inclusive. No structures, including but not limited to poles, fences, lights, spray booths, and sheds shall be erected or maintained on the site, and no Christmas trees shall be delivered to the site, sooner than November 21st or later than December 30th.

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- c. Sales of pumpkins from pumpkin lots shall be limited to the period of time between October 15th and October 31st, both dates inclusive. No structure, including but not limited to poles, fences, lights, and sheds, shall be erected or maintained on the site, and no pumpkins shall be delivered to or left on the site, sooner than October 10th or later than November 1st.
  - d. Operation of haunted houses shall be limited to the period of time between October 15th and November 1st, both dates inclusive. Haunted houses shall only be permitted in permanent buildings with appropriate occupancy rating, as determined by the Building and Safety Department. Any temporary interior modifications are subject to Building and Safety Department requirements.
  - e. Firework stands (occupancy and/or sales) shall be limited to the period of time between noon on June 28 and noon on July 5. No structure, including but not limited to poles, fences, lights, and sheds, shall be erected or maintained on the site, and no fireworks shall be left on the site, after July 6. No fireworks stand shall be located closer than three hundred (300) feet from another fireworks stand.
  - f. All lighting shall be directed away from and shielded from adjacent properties and streets.
  - g. Adequate provisions for traffic circulation, off-street parking, dust control and pedestrian safety shall be provided as approved by the Planning Director and City Traffic/Transportation Engineer.
  - h. All requirements of the City shall be complied with throughout duration of the use.
2. Circuses, carnivals, rodeos, or similar traveling amusement enterprises, subject to the following guidelines and conditions:

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- a. All such uses shall be located on commercially zoned and designated property and limited to not more than fifteen (15) continuous days, or not more than three (3) weekends, of operation in any one hundred eighty (180) day period. Any request to exceed this time limitation shall require the review and approval of a Conditional Use Permit, pursuant to Article 22.
- b. All such activities shall have a minimum setback of one hundred (100) feet from any residential area. This requirement may be waived or modified by the Planning Director, if it is determined that no adverse impacts would result.
- c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided as approved by the Planning Director and City Traffic/Transportation Engineer.
- d. Sanitary facilities shall be provided, the number and location of which shall be approved by the City and other applicable agencies.
- e. Security personnel shall be provided as required by the Sheriff's Department.
- f. Designated parking accommodations for amusement enterprise workers and support vehicles shall be provided.
- g. Noise attenuation for generators and carnival rides shall be provided as approved by the Planning Director.
- h. All lighting shall be directed away from and shielded from adjacent properties and streets.
- i. Applicant shall obtain all applicable County or State permits.

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3. Trailer coaches, motorhomes or manufactured homes, for use as temporary living quarters for security personnel, temporary residence of the subject property owner, or on active construction sites, where permitted by the zone. The following restrictions shall apply: *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  - a. The Planning Director may approve a temporary vehicle for the duration of the construction project, or for a specified period, but in no event for more than three (3) years. If exceptional circumstances exist, a one (1) year extension may be granted. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  - b. Vehicles permitted pursuant to this section shall not exceed a maximum gross square footage of six hundred fifty (650) square feet in size (tongue not included), and shall have a minimum of two hundred fifty (250) square feet for one (1) or two (2) persons, or a minimum of six hundred (600) square feet for occupancy by three or more persons. The unit must have a valid California vehicle license. Pickup campers shall not be permitted.
  - c. The temporary vehicle installation must meet all applicable requirements of the Los Angeles County/Health Department and the City of Palmdale Department of Building and Safety.
  - d. Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.
  - e. The permitted vehicle shall be removed from the site within thirty (30) days of the expiration of the temporary use permit, the final clearance or the issuance of the Certificate of Occupancy, or the expiration of the building permit, whichever occurs first. A motor



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home, fifth-wheel trailer or other recreational vehicle permitted under this Section shall be disconnected from all utilities at the time of final clearance or issuance of the Certificate of Occupancy. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

- f. Any vehicle permitted under this Section shall be connected to approved sewage, electrical and water facilities at all times during which the vehicle is occupied on the site.
  - g. A minimum lot size of 40,000 square feet shall be required where a vehicle is proposed to be used as a temporary residence during construction of an individual single family residence.
4. Temporary office modules. The use of temporary structures, such as trailers or pre-fabricated structures for use as interim offices on active construction sites may be permitted in any zone which allows the use, subject to the following requirements:
- a. The Planning Director may approve a temporary office module for the duration of the construction project, or for a specified period of time. If exceptional circumstances exist, one or more one (1) year extension(s) of time may be granted, provided that building permit(s) for permanent dwelling(s) or structure(s) on the same site remain valid; that project construction is being pursued; and that the location of the temporary office does not interfere unreasonably with the project's residents or users.
  - b. Installation of such structures may occur only after a valid building permit has been issued by the City of Palmdale Department of Building and Safety.
  - c. Vehicles or modular structures permitted pursuant to this section shall not exceed a maximum gross square footage of six hundred fifty (650) square feet in size (tongue not included). Where

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applicable, a valid California vehicle license must be affixed to the vehicle.

- d. The temporary office module installation must meet all applicable requirements of the Los Angeles County/Health Department and the City Department of Building and Safety.
  - e. Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.
  - f. The permitted office module shall be removed from the site within sixty (60) days following the issuance of a final clearance, the issuance of the Certificate of Occupancy or, where such module is used for temporary sales, upon the occupancy of the permanent sales office.
  - g. No recreational vehicles shall be used for this purpose.
5. In-tract model home sales complexes. A model home sales complex may be constructed within a tract pursuant to the approval of a Temporary Use Permit. One model within such tract may be used as an office solely for the sale of homes within the tract and/or complex. All such complexes are subject to the following conditions:
- a. The sales office shall be located within a garage or the main structure of one of the dwelling units within the tract.
  - b. Model home sales complex approvals shall be valid for an initial period of three (3) years, or as otherwise approved in the TUP. Upon expiration of the TUP, the sales office shall be terminated, the structure restored to a residential use and all appurtenant

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structures related to the model home complex removed. Extensions may be granted by the Planning Director in one (1) year increments or until all units are sold.

- c. A cash deposit, letter of credit, or other security approved by the City, if applicable, shall be submitted to the City of Palmdale, in an amount to be established by the Director of Building & Safety, to ensure the restoration of the sales office and the removal of parking facilities and other structures associated with the complex.
- d. The sales office is to be used only for transactions involving the sale, rent, or lease of lots and/or structures within the tract in which the sales office is located, contiguous tracts, or a planned community.
- e. Street improvements and temporary off-street parking at a rate of two (2) spaces per model, or a minimum of six (6) spaces, whichever is greater, shall be completed as approved by the City Engineer and Planning Director, prior to commencement of sales activities or the display of model homes.
- f. All fences proposed in conjunction with the model homes and sales office are to be located outside the public right-of-way, except as approved by the City Engineer. An encroachment permit will be required for any fence or structure proposed to be located within a public right-of-way.
- g. Flags, pennants, or other on-site and off-site advertising shall be permitted and regulated pursuant to the applicable sections of Article 88.
- h. All model home lots shall be fully landscaped, in conformance with Ordinance U-992, with at least one model utilizing xeriscape landscaping, to produce a pleasing aesthetic environment.

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- i. Adequate on-site lighting shall be provided to ensure a safe and secure environment, while at the same time being designed and placed so as to prevent stray light or glare from becoming a nuisance factor for adjacent properties. The lighting design shall be submitted for review and approval of the Planning Department prior to the issuance of building permits on the subject site.
  - j. Adequate paved access from a public right-of-way shall be provided to the model home complex and/or sales office.
  - k. Failure to terminate the sales office, restore the structure, and remove parking facilities and associated structures or failure to apply for an extension on or before the expiration date, may result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site, and enforcement action to ensure restoration of the model complex site to single family residences.
6. Stockpiling, subject to the following guidelines and conditions:
- a. No stockpiling shall be permitted on undisturbed native desert vegetation without appropriate environmental review, pursuant to state law.
  - b. Stockpiled material shall not exceed a height of three (3) feet, and should be evenly spread.
  - c. Location of stockpiled material shall not adversely impact adjacent properties or uses through creation of windblown dust, visual appearance, or other creation of an attractive nuisance.
  - d. During placement or removal of stockpiled material appropriate traffic control measures shall be taken, as determined by the City Traffic/Transportation Engineer. Truck access to the stockpiling



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area from the adjacent right-of-way shall be approved by the Traffic/Transportation Engineer.

- e. Dust control measures shall be taken during stockpiling or removal operations as deemed necessary by the Planning Director.
- f. Erosion control measures on stockpiled material shall be implemented as determined necessary by the City Landscape Architect.
- g. Stockpiled material shall not contain greenwaste, trash, composted material, sludge, or biosolid material in any combinations or quantities. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)

**C. Site Plan Review**

The following temporary use may be permitted subject to Site Plan Review approval and approval of a Temporary Use Permit.

- 1. Off-site model home sales complexes. A model homes sales complex, when not located within the subdivision in which the models are being constructed, is considered to be an off-site model home sales complex. Off-site model home sales complexes may be permitted where allowed by the zone and subject to Site Plan Review approval and a Temporary Use Permit by the Planning Director, pursuant to Article 21, and in conformance with the following criteria:
  - a. The sales office associated with the model home complex may be located only within a dwelling unit itself, or within a garage. Trailers, modulars, manufactured units, or any similarly temporary structure shall not be permitted.

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- b. All structures shall be constructed pursuant to the minimum requirements of the zone district in which they are located.
- c. A cash deposit, letter of credit, or other security approved by the City, if applicable, shall be submitted to the City of Palmdale, in an amount to be established by the Director of Building and Safety, to ensure the restoration of the sales office and the removal of parking facilities and other structures associated with the complex.
- d. Street improvements and temporary off-street parking at a rate of two (2) spaces per model, or a minimum of six (6) spaces, whichever is greater, shall be completed as approved by the City Engineer and Planning Director, prior to commencement of sales activities or the display of model homes.
- e. All fences proposed in conjunction with the model home sales office are to be located outside of the public right-of-way except as approved by the City Engineer pursuant to approval of an encroachment permit.
- f. Adequate on-site lighting shall be provided to ensure a safe and secure environment, while at the same time being designed and placed so as to prevent stray light or glare from becoming a nuisance factor for adjacent properties. The lighting design shall be submitted for review and approval of the Planning Department prior to the issuance of building permits on the subject site.
- g. Flags, pennants, or other on-site and off-site advertising shall be permitted and regulated pursuant to the applicable sections of Article 88.
- h. The approval of this permit shall be for an initial period of thirty-six (36) months, at which time the model home/sales office use shall

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be terminated. Time extensions may be granted by the Planning Director subject to the provisions contained in Article 21.

- i. Adequate paved access from a public right-of-way shall be provided to the model home complex and/or sales office.
- j. The structure shall meet all requirements of the City of Palmdale Department of Building and Safety, including but not limited to the installation of handicapped accessible restroom facilities, and adequate utility facilities.
- k. All model home lots shall be fully landscaped, in accordance with Ordinance U-992, with at least one model utilizing water efficient landscaping, to produce a pleasing and aesthetic environment.
- l. Failure to terminate the sales office, restore the structure, and remove parking facilities and associated structures or failure to apply for an extension on or before the expiration date may result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site, and enforcement action to ensure restoration of the model complex site to single family residences.

### **Section 27.04 Application Procedure**

Applications for any permits to establish temporary uses, as described in this Chapter, shall be filed with the Planning Department in a manner prescribed by the Planning Director, along with the required fee as established by resolution of the City Council.

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#### **Section 27.05 Termination of Temporary Uses**

- A. No operator of a temporary use shall continue operation of that use beyond the time periods allowed by this Chapter. If no maximum time period is specified in this Chapter for the operation of the use, the operator shall not continue operation beyond the period specified in the temporary use permit.
- B. If the Planning Department determines that a temporary use which is being operated pursuant to a Special Event Permit or a Temporary Use Permit is being conducted in violation of this Ordinance or the terms and conditions of such permit, the Planning Director shall provide notice and an opportunity for a hearing to the permit holder before making a decision to revoke or not revoke the permit. If the Planning Director determines, after reviewing the information and considering the information presented during the hearing that sufficient evidence exists of a violation, the Planning Director may revoke the permit or impose additional conditions to ensure compliance. The permittee may appeal the decision by filing an appeal as allowed and specified in Section 20.11. Any suspected violation of a Conditional Use Permit with respect to a temporary use shall be regulated by Article 22 (Conditional Use Permits).

#### **Section 27.06 Review Criteria**

No Temporary Use shall be approved unless it can be determined that:

- 1. The use will be compatible with adjacent uses and will not adversely affect the surrounding area by means of noise, odor, dust or other nuisances.
- 2. Any increase in traffic resulting from the use will not adversely affect the surrounding area or City at large.
- 3. The proposed use is permitted in the zone district and conforms with all applicable policies and ordinances of the City of Palmdale.



**ARTICLE 28 COMPREHENSIVE DEVELOPMENT PLANS**

**Section 28.01 Purpose**

The purpose of this Article is to establish review procedures and approval requirements for projects which, due to their size, complexity, or the nature of their anticipated impacts, require comprehensive planning in order to meet the goals of the General Plan. A comprehensive development plan may be either a Specific Plan or a Planned Development, depending on the size and complexity of the project as described in this Article.

Preparation of a comprehensive development plan is appropriate for large-scale, mixed-use projects which are expected to be built in phases over a long period of time; projects which, because of topographic, environmental or infrastructural constraints, require flexible development standards in order to achieve superior design and minimize adverse impacts; projects in which coordination of multiple owners is required to achieve a long-range development or land use plan; and projects requiring the coordination of land use planning with planning for infrastructure, public safety, circulation, open space, resource conservation, housing, or other development issues as identified in the General Plan policies.

The review process for comprehensive development plans provides a method to identify development constraints and opportunities applicable to a specific site, and to tailor the development regulations to the site in order to achieve a more efficient use of the land and high quality of design. This process would result in adoption of a Specific Plan or Planned Development, as described in this Article.

**Section 28.02 Applicability**

- A. Review of a comprehensive development plan shall be required for the following development proposals:

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1. Projects within areas designated on the General Plan Land Use Map as "Special Development (SD)".
  2. Any project proposed to be adopted as a Specific Plan, pursuant to Government Code Section 65450.
  3. Projects which, because of the scale, intensity of use, site constraints, or anticipated impacts on infrastructure, are determined by the Planning Director to require comprehensive planning through the comprehensive development plan process.
- B. A comprehensive development plan may be proposed for residential, commercial or industrial development projects, or for mixed-use projects proposing multiple uses, densities or intensities of land use, provided that all uses are consistent with the underlying General Plan designation.
- C. The City may approve a comprehensive development plan by adoption of a Specific Plan pursuant to Section 28.04; or a Planned Development, pursuant to Section 28.05.

#### **Section 28.03 Application Procedures**

- A. A comprehensive development plan may be initiated by action of the City Council, or by the owner or the authorized agent of the owner of property within the proposed project area.
- B. A pre-application conference shall be required for any comprehensive development plan, pursuant to Section 20.03.
- C. Any application for a comprehensive development plan shall be made on a form provided for that purpose by the Planning Department, along with the required fee as established by City Council Resolution.

**Section 28.04 Specific Plan Review**

**A. Purpose and applicability**

The Specific Plan process is intended to provide a method of comprehensive planning for large scale, mixed use development projects which are anticipated to be built in successive phases over a longer period of time than is typically granted for other development entitlements. Projects for which a Specific Plan would be appropriate would generally meet the following criteria:

1. The project site is not presently served by infrastructure and community services needed to support the proposed development, nor do comprehensive plans to provide these facilities exist; and
2. The proposed mix and intensity of land uses, and their relationship to the project site, warrant consideration of special development standards and criteria beyond those otherwise provided in the Zoning Ordinance; and
3. Specific development plans for each portion of the subject property are not known at the time of project review, but are anticipated to be submitted subsequently as the project develops in conformance with the approved comprehensive development plan; and
4. Due to the long-term nature of the project and the cost of providing substantial infrastructure improvements, an implementation plan addressing financing, phasing and maintenance of public improvements is necessary to ensure the project is developed in accordance with the General Plan.

**B. General provisions**

1. A Specific Plan may be proposed within any zone district(s), provided that the proposed type and intensity of use is consistent with the General Plan.

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2. A Specific Plan should typically be utilized for projects of over one hundred sixty (160) acres in area. Comprehensive planning for smaller areas may be more appropriately accomplished through the Planned Development Process as described in Section 28.05.
3. Adoption of a Specific Plan shall constitute a change of zone. Upon adoption, the Official Zoning Map shall be revised to indicate the approved Specific Plan and its identification number.
4. Applications for a Specific Plan may be accompanied by other applications for entitlements, which may be reviewed concurrently, provided that the effective date of any additional approvals shall be on or after the effective date of the Specific Plan.
5. Any application for a Specific Plan shall be processed in accordance with Government Code Sections 65450 through 65362 and the provisions of this Section of the Zoning Ordinance.

#### **C. Required contents of a specific plan**

1. **Narrative Report.** The purpose of a Specific Plan narrative report is to describe the proposed development, place it within the regional setting, and provide detailed information necessary for plan review. The report may be organized in any manner necessary to present the required information. The report, however, must be clear, concise, and organized in a logical manner to facilitate review and processing. Maps, tables and graphic illustrations shall be required when appropriate. The required report contents shall be included as set forth in the Specific Plan Application provided by the Planning Department, and shall include but not be limited to the following information:
  - a. Information regarding the property, developer, owner, representatives and consultants preparing the report.



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- b. Table of Contents, including lists of maps and figures.
  - c. A discussion of the nature and intent of the proposed development.
  - d. A descriptive analysis of the project site.
  - e. Quantified information on the impacts of project build-out.
  - f. A development plan for all proposed land uses in the project (including open space).
  - g. A description of existing infrastructure, projected improvements needed to serve the project, and a plan for providing needed infrastructure, including community facilities.
  - h. A circulation plan for the project.
  - i. Development standards applicable to development within the specific plan.
  - j. Special design standards applicable to the project, including but not limited to signage, landscaping, fences and walls, lighting, and entry monumentation.
  - k. Proposed phasing of the project.
  - l. An implementation plan for the project.
  - m. A discussion of how the project conforms to the General Plan policies and maps.
2. **Maps.** The purpose of the Specific Plan maps is to graphically depict characteristics of the project site, its regional setting, the proposed nature and intensity of development, project phasing, and other pertinent

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information needed for project review. All required maps must be submitted at a reduced scale suitable for inclusion in the narrative report, as well as at a larger scale suitable for display. Required contents of maps shall be as set forth in the Specific Plan Application provided by the Planning Department, and shall include but not be limited to the following information:

- a. Existing conditions of the project site, including topography, natural drainage courses, existing structures, roads, easements, uses, zoning and General Plan designations.
- b. The proposed Development Plan, including phasing.
- c. The proposed Circulation Plan, including phasing, any proposed trails, and connectivity to the regional circulation system.
- d. Any proposed landscape, design or amenity features.

#### **D. Review procedure**

1. The Planning Commission shall hold a public hearing on each proposal for a Specific Plan. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time. The Planning Commission shall determine whether the Specific Plan is consistent with this Zoning Ordinance and with the General Plan, and may recommend to the City Council that the Specific Plan be approved, or approved in modified form by the City Council, based on the appropriate findings as contained in this Article. If the Planning Commission determines that a proposed Specific Plan is not in conformance with the General Plan or that the findings for approval cannot be made, the Planning Commission may deny the application based upon the findings contained in this Article, and their action is final unless appealed, pursuant to Section 20.11.

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2. Upon recommendation of the Planning Commission on a proposed Specific Plan, the City Council shall hold a public hearing. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time. Following the closing of the public hearing, the Council shall make specific findings as to whether the Specific Plan is consistent with the Zoning Ordinance and General Plan. The Council may adopt the Specific Plan by ordinance or by resolution, based upon the appropriate findings as contained in this Article.

**E. Required findings for approval**

Prior to approving a Specific Plan, the following findings supported by adequate evidence shall be made by the City Council:

1. The distribution, location and extent of land uses, including open space, as depicted in the Specific Plan is consistent with the General Plan.
2. The Specific Plan provides for adequate public infrastructure and services needed to support the land uses described in the plan, meaning the proposed distribution, location, extent and intensity of transportation, sewage, water, drainage, solid waste disposal, energy, parks, community facilities and other essential facilities.
3. The standards and development criteria, including requirements for resource utilization, will ensure that development proceeds in an orderly fashion and maintains a high level of quality.
4. The Specific Plan contains implementation measures, including financing programs, to ensure that development is supported by adequate infrastructure as it occurs.
5. The site is suitable for the type and intensity of development proposed.

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6. The flexibility in development standards afforded by the Specific Plan process has resulted in a project providing more superior design and amenities than would occur under more traditional zoning practices, and the project provides clear and substantial benefit to the City of Palmdale.

**F. Amendments and modifications to approved Specific Plans**

Unless otherwise set forth within the Specific Plan, amendments or modifications to an approved Specific Plan shall be processed as follows:

1. Minor revisions

A revision or modification to an approved Specific Plan, including but not limited to minor density transfers, minor adjustments to the alignment of roadways or utilities, minor modifications to landscaping, wall materials or streetscape design, which will not increase or change the use or intensity of the site, may be acted on by the Planning Director upon submittal of an application, required materials and applicable fees for a Minor Modification, pursuant to Section 26.04.

2. Amendments or major revisions

Any request for a revision or modification to an approved Specific Plan which, in the opinion of the Director of Planning, does not constitute a minor revision will be processed as a major revision in the following manner:

- a. An amendment or major revision to the text of an approved Specific Plan will be processed using the application procedures, review process and findings for approval as set forth for Zoning Ordinance Amendments in Section 24.11 and in paragraph c.
- b. An amendment or major revision to the land use map or land use exhibits of an approved Specific Plan will be processed using the



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application procedures, review process and findings for approval as set forth for Zone Changes in Section 24.10 and in paragraph c.

- c. In addition to the findings for approval set forth in Section 24.10 and 24.11, any approval of an amendment to a Specific Plan text or map shall also be based upon a finding that such amendment conforms to the intent and applicable goals and policies of the Specific Plan.

**Section 28.05 Planned Development (PD)**

**A. Purpose and applicability**

The Planned Development is intended to provide a method of comprehensive planning for smaller, less complex development projects than are typically processed with a Specific Plan, which meet the following criteria:

1. The project site contains topographic constraints, environmental resources, or other features which require special planning consideration; and
2. A more efficient and desirable design can be achieved through flexible design standards and/or mixed land use patterns than can be attained through the strict adherence to zoning standards; and
3. Adequate public facilities and infrastructure exist or can be provided to the project site to serve the proposed type and intensity of development; and
4. Detailed development plans are known at the time the comprehensive development plan is prepared, allowing concurrent review and approval of entitlements for the project area; and

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5. Buildout of the PD project area is anticipated within the term of the concurrent entitlements.

#### B. General provisions

1. A PD may be proposed within any zone district or Specific Plan designation, provided that the type and intensity of uses is consistent with the General Plan, the zoning, or any applicable Specific Plan.
2. A PD should typically be utilized for projects of between twenty (20) to one hundred sixty (160) acres in area. The project site must be of sufficient size to allow provision of design benefits and site amenities through flexibility of development regulations. Projects of a larger scale are more appropriately evaluated through the Specific Plan process.
3. When adopted by the Planning Commission, a PD shall be depicted on the Official Zoning Map with an identification number, for purposes of disclosure. However, adoption of a PD does not, in itself, constitute a Zone Change. Upon termination or expiration of a previously-approved PD, the Planning Director shall remove the PD identification number from the Official Zoning Map. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
4. All applications for PD approval shall be accompanied by the appropriate applications for land use entitlements necessary for project implementation, including but not limited to subdivision maps, Site Plan Review, Conditional Use Permit or other applications.
5. Initial approval of a PD shall be for the period of five (5) years. One or more extensions of time may be granted by the Planning Commission up to an additional five (5) years from the original expiration date. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

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**D. Application requirements**

The Planned Development application shall consist of a text and set of maps, in the required number of copies as specified in the application form provided by the Planning Department, which depict the exact nature of the intended development. At a minimum, the submittal package must contain the following elements:

**1. Map exhibits**

- a. A Development Feasibility Map showing development opportunities and constraints which could affect the project design. Information to be included on this exhibit may include but not be limited to slope gradients, drainage courses, seismic hazard zones, floodplain designations, easements and utility corridors, viewsheds, significant ridgelines, existing structures, natural or cultural resources and other similar features which must be considered in reviewing the project. This map shall also include such features offsite or adjacent to the project site, if they will impact the project design.
- b. A Development Plan showing the project site as well as five hundred (500) feet around the site boundaries, showing the type and intensity of proposed land uses (including open space) within the project site, and existing and planned uses adjacent to the site (including General Plan and Zoning designations).
- c. A Circulation Map for the project site showing proposed locations, widths and grades of all proposed public and/or private streets, and their relationship to existing or planned streets outside of the project boundary. The area outside of the project site to be included on the exhibit shall be appropriate to clearly demonstrate how the proposed circulation pattern integrates with the existing and proposed circulation system in the vicinity of the site.

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- d. Infrastructure Plan, showing how the project will be provided with sewer and water, its relationship to master drainage facilities, and how the project will be served by school, park and fire services (if applicable).
- e. Exhibits a, b and c above shall be prepared at the same scale on a topographic base map with a contour interval of no greater than five (5) feet or as otherwise approved by the Planning Director. Exhibit d may be prepared at a smaller scale to show the relationship of the project site to regional infrastructure and community facilities.

#### **2. Text**

The text submitted with the Planned Development application shall clearly explain the proposed project, including type, intensity and phasing of development. The text shall contain the following information.

- a. Site information, including names, addresses and telephone numbers of owner, developer and/or builder, and consultants; legal description; description of existing site condition; total site area; slope density analysis (if applicable); and description of opportunities and constraints as depicted on the Development Feasibility Map.
- b. Project description, including proposed uses and percent of site area by use, including open space; proposed building footprints, including location and lot coverage; proposed floor area ratio (for commercial and industrial uses); proposed gross density (for residential uses); proposed Circulation Plan; proposed Infrastructure Plan; description of any special considerations in the project design (such as affordable or senior housing, hillside development restrictions, etc.); proposed phasing, including



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tabulation of uses or units by phase; and proposed development schedule.

- c. Special development standards, including a description of any development standards used within the PD which vary from those in the Zoning Ordinance or any applicable Specific Plan, including but not limited to setbacks, landscaping, parking, building height, lot coverage, signs or other standards. This section need only address those standards which are different from those that would pertain to the site without approval of the PD.
- d. Implementation, including a description of procedures for implementation and administration of the project, including on-going maintenance of common areas and facilities.
- e. Appendices, including any special studies or supporting documentation prepared for the project.

**D. Review procedure**

The Planning Commission shall hold a public hearing on each proposal for a Planned Development. The hearing shall be set and notice given as prescribed in Section 20.02. The hearing may be continued from time to time. The Planning Commission shall determine whether the Planned Development is consistent with the Zoning Ordinance and General Plan, and shall approve or deny the proposal based upon the findings contained in paragraph E of this Section.

**E. Findings for approval**

Prior to approving a Planned Development, the following findings supported by adequate evidence shall be made by the Planning Commission:

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1. The distribution, location and extent of land uses is consistent with the General Plan.
2. The site is suitable for the type and intensity of development.
3. Adequate access is provided in accordance with the General Plan Circulation Element.
4. The project site is or will be provided with adequate public services and facilities to support the proposed development.
5. The flexibility in site development regulations contained in the Planned Development has resulted in a project demonstrating clear and substantial benefits to the City of Palmdale.

#### **F. Amendments and modifications to approved Planned Developments**

Revisions or modifications of Planned Developments may be requested by the applicant and shall be processed as follows.

##### **1. Minor revisions**

A revision or modification to an approved Planned Development, including but not limited to minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the Planning Director upon submittal of an application, required materials and applicable fees for Minor Modification, pursuant to Article 26, Section 26.04.

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**2. Major revisions**

A major revision or modification to an approved Planned Development, including but not limited to change in conditions, expansions, intensification, location, or hours of operation shall be processed through application of a Major Modification or new Planned Development, as determined by the Director of Planning based on the extent and scope of the proposed revision.





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**ARTICLE 29 NON-CONFORMING USES AND STRUCTURES**

**Section 29.01 Purpose**

This Article provides for the regulation, modification and orderly termination of uses and structures (other than signs and billboards) which were lawfully established but which are no longer in conformance with the provisions of the Zoning Ordinance. This Article is intended to limit non-conforming uses and structures by preventing the expansion of such uses and structures to the maximum extent feasible, by establishing criteria under which they may be continued or expanded, and by providing for the correction or removal of these uses and structures in an equitable, reasonable and timely manner. In addition, this Article is intended to limit the number and extent of non-conforming structures by prohibiting their relocation, alteration or enlargement in a manner that would increase the disparity between existing conditions and applicable City regulations, codes or ordinances.

Regulations pertaining to non-conforming signs and billboards are contained in Article 88 of this Zoning Ordinance.

**Section 29.02 General Provisions**

- A. A use lawfully occupying a structure or a site, that does not conform with the use provisions and development standards for the zone district in which the use is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise limited in this Chapter.
- B. A structure lawfully occupying a site, that does not conform with the development standards contained in this Ordinance, including but not limited to standards for front yards, side yards, rear yards, height, lot coverage, distances between structures, and parking facilities for the zone district in which the structure is located, shall be deemed to be a legal non-conforming structure and may be used and maintained, except as otherwise limited in this Chapter.

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- C. Any use or structure which has been unlawfully established and which does not conform to the use provisions or development standards of the zone district in which it is located is in violation of the City's Zoning Ordinance, and shall be subject to all available measures for abatement and correction of the code violation(s) pursuant to the Municipal Code.
- D. Any portion of a legal non-conforming structure or use which is altered or changed to a conforming structure or use, may not thereafter be used for a non-conforming use.
- E. Routine maintenance and repairs may be performed on a legal non-conforming use or structure.
- F. Alterations and repairs which are necessary to maintain public health, safety and welfare, as determined necessary by the Director of Building and Safety, may be performed on a non-conforming use or structure.

#### **Section 29.03 Existing Approvals**

- A. Approved entitlements. Nothing in this Article shall be deemed or construed to prevent the ultimate development of a project site which has been approved or conditionally approved by the City prior to the effective date of this Zoning Ordinance or any amendment thereto, provided that actions necessary to inaugurate such development, as defined in Section 20.12 A., have occurred prior to the expiration of the original entitlement or any subsequent approved time extension to the project.
- B. Facilities under construction. Nothing in this Article shall be deemed or construed to prevent the completion and use, in accordance with this Article, of any building or structure under construction before the effective date of this Zoning Ordinance or any amendment thereto, provided:

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1. 1. That such construction or the proposed use of such building or structure is not, at the effective date, in violation of any other law or regulation; and
  2. That applicable grading and building permits have been issued and construction of such building or structure is initiated. For the purposes of this Section, the issuance of a grading permit alone shall not constitute a vested right to develop and where the grading plan would result in a non-conformity, said permit shall be null and void on the effective date of this Zoning Ordinance; and
  3. That all applicable permits remain valid, reasonable progress toward completion is being made and that work has not been ceased for a continuous period of more than 180 days.
- C. Time extensions. Time extension applications filed or under consideration after the effective date of the Zoning Ordinance or any amendment thereto, shall be subject to the procedures, standards and regulations contained within this Zoning Ordinance, as amended.
- D. Non-conformity under construction. Any non-conformity existing in any building or structure completed in accordance with this Section, shall be subject to the provisions of this Article.
- E. Density non-conformity. In the R-2, R-3 and MX zone districts, a lawfully established multi-family structure which becomes non-conforming with respect to the density of dwelling units, but is otherwise a permitted use, shall be permitted to continue indefinitely in accordance with this Article, provided there is no further increase in the number of units or any proposed change of use.

## CHAPTER 2 ARTICLE 29 NONCONFORMING USES AND STRUCTURES

### Section 29.04 Legal Non-Conforming Structures

#### A. Alteration

1. A non-conforming non-residential structure shall not be enlarged or expanded in such a way as to occupy any part or space on the site which it did not occupy at the time it became legal non-conforming use, except as permitted in this Article.
2. The habitable living area of a non-conforming residential structure shall not be enlarged or expanded in such a way as to occupy any part or space which it did not occupy at the time it became legal non-conforming, except as permitted in this Article.
3. No non-conforming structure shall be altered or reconstructed so as to increase the disparity between existing conditions and the development standards contained in this Ordinance, including but not limited to standards for front yard, side yards, rear yard, height of structures, lot coverage, and distances between structures in the regulations for the zoning district in which the structure is located.
4. Any proposed expansions or alterations of a non-residential legal non-conforming structure or any expansion of more than fifty (50%) percent or 500 square feet, whichever is less, of habitable living area of a residential non-conforming structure shall be reviewed through the submittal of a Site Plan Review and found to conform with the findings contained in Section 29.05. Any alteration of habitable living area of a residential nonconforming structure which will result in an expansion of less than fifty (50%) percent of the total floor area or 500 square feet, whichever is less, will be processed administratively, in accordance with Section 26.04. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*



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5. No permitted change or alteration of a legal non-conforming structure shall be construed as authorizing an extension of any time limit established for termination of said structure.

**B. Restoration of a damaged non-conforming structure**

1. Whenever a structure which does not comply with the development standards contained in this Ordinance, including but not limited to front yard, side yards, rear yard, height of structures, distances between structures, densities and parking facilities as prescribed in the regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, by act of nature, or by the public enemy to the extent of fifty (50%) percent or less, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. When the destruction exceeds fifty (50%) percent or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the non-conforming use shall not be resumed.
2. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Director of Building & Safety and shall be based on the minimum cost of construction in compliance with the Uniform Building Code.
3. The repair of buildings or structures pursuant to this section shall not be construed as authorizing an extension of any time limit for the termination of a non-conformity.

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### C. Off-site relocation

When a building or structure is relocated to another site, it shall be made conforming in all respects with the provisions of this Zoning Ordinance and all other applicable laws and regulations.

### Section 29.05 Findings for Approval of Alteration of a Legal Non-Conforming Structure

- A. Before any modification to a legal non-conforming structure may be granted, the reviewing authority shall find that all of the following conditions shall exist in reference to the alteration being considered:
1. The alteration of a non-residential structure will result in expansion of a structure by no more than ten (10) percent of the total floor area within the structure, or the alteration of a residential structure will result in the expansion of a structure by no more than seventy-five (75%) percent of the total floor area of the structure or 1,000 square feet, whichever is less; and *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  2. The use within the legal non-conforming structure is similar in nature to the use originally allowed and is not of greater intensity with regard to traffic, noise, density, parking demand, odor, light, or other similar development or performance standard; and
  3. The proposed alteration will not adversely affect or be materially detrimental to adjoining properties; and
  4. The proposed alteration complies with all applicable City policies, codes and ordinances; and

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5. The proposed changes are limited to minor alterations, improvements, or repairs which do not increase the degree of non-conformity present and do not constitute or produce an expansion or intensification of a non-conforming use.
- B. Any alterations required by governmental or court action shall be exempt from conditions of Sections 29.04 through 29.05 which are determined by the Planning Director not to apply to the project site.

**Section 29.06 Abatement of Non-Conforming Structures**

**A. Non-conforming structures**

A lawfully constructed structure which becomes non-conforming shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in Table 2.29.1.

**B. Site development non-conformities**

**1. Non-conformity requiring capital expenditure to conform**

Lawfully established site improvements, buildings and structures which become non-conforming with respect to site development regulations, and which cannot be made conforming without incurring a capital expenditure or loss, either shall be made conforming or allowed to continue as indicated in Table 2.29.2, unless otherwise provided in this Chapter.

**2. Non-conformity involving only non-capital expenditure or loss to conform**

Unless otherwise specified, lawfully established facilities, operations or other circumstances which become non-conforming, but which can be made conforming without a capital expenditure or capital loss, shall be made conforming within one year from the date of non-conformance.

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**TABLE 2.29.1**  
**TIME PERIODS FOR ABATEMENT OF**  
**NON-CONFORMING STRUCTURES**

Type of Structure*	Classification	Use	Allowable Life
Light metal or wood frame	II (1-hour) II-N, V	Non-residential	15 years
Light metal or wood frame	II (1-hour) II-N, V	Residential except single-family dwellings.	20 years
Light metal or wood frame	II (1-hour) II-N, V	Single-family dwellings	25 years
Heavy timber, masonry, concrete	II (Fire Resistive) III, IV	All	30 years
Fire resistive heavy steel and/or concrete	I	All	40 years

\* Building Code classification shall take precedence over type of material in case of conflict.



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**TABLE 2.29.2**  
**TIME PERIODS FOR ABATEMENT OF**  
**SITE DEVELOPMENT NON-CONFORMITIES**

Non-Conformity	Requirement
Existing wall, fence or hedge of excess height, nonconforming placement, design, etc.	Shall be removed or made conforming within 3 years from the date of non-conformance.
Outdoor storage areas for vehicles, equipment or materials lacking required screening and/or enclosures.	Shall be made conforming within 1 year from the date of non-conformance.
Parking (non-residential), including number and size of space, lot layout, lot improvement and landscaping.	Allowed to continue indefinitely where no change of use or density is proposed. An addition to a dwelling may be made without making the parking conforming provided the number of dwelling units is not increased and the addition does not occupy the only available space on the lot which could be used to meet the parking requirement.
Parking (residential), including number of spaces and type of enclosure.	Allowed to continue indefinitely, except that any expansion of use or intensity by more than twenty-five (25) percent shall require that all truck loading and maneuvering areas be made conforming to the extent feasible in the opinion of the Reviewing Authority.
Truck loading and maneuvering areas and truck stacking and parking spaces.	Shall be provided in a conforming manner within 1 year from the date of non-conformance.
Utilities.	Allowed to continue indefinitely, except that any replacement of an existing line shall be made in a conforming manner to the extent feasible.

## CHAPTER 2 ARTICLE 29 NONCONFORMING USES AND STRUCTURES

### Section 29.07 Legal Non-Conforming Uses

#### A. Alteration of Legal Non-conforming Non-residential Uses

1. Except as provided in Paragraph B of this Section, no non-conforming use shall be altered, enlarged or extended in such a way as to occupy any part of the structure or space on the site or any other structure or site which it did not occupy at the time it became a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site, except as provided in this Chapter. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
2. Any proposed expansion or change to a legal non-conforming use shall be reviewed through the submittal of a Conditional Use Permit and found to conform with the findings contained in Section 29.08. In the case where a non-conforming use occupies a non-conforming structure, any alteration to either the use or the structure shall require approval of a Conditional Use Permit based on the findings contained in Section 29.08.

#### B. Alteration of Legal Non-conforming Residential Uses

1. Any proposed expansion of the legal non-conforming single family residential use of a structure which results in an increase of more than fifty (50%) percent of the total floor area or 500 square feet, whichever is less, shall be reviewed through a Site Plan Review process and found to conform with the findings contained in Section 21.04, provided that the proposed expansion does not exceed seventy-five (75%) percent of the original floor area. Any expansion of a residential structure which results in an increase of less than fifty (50%) percent of the total floor area or 500 square feet, whichever is less, shall be reviewed and approved administratively, in conformance with Section 26.04. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

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2. Any expansion of a single family residential use shall conform to the Standards for Development contained in Section 41.09. No expansion of a multiple family residential use shall be permitted. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
3. No permitted change or alteration of a legal non-conforming use shall be construed as authorizing an extension of any time limit established for termination of said use. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**C. Discontinuation of a legal non-conforming use**

Whenever a non-residential non-conforming use has been changed to a conforming use, or has been discontinued for a continuous period of 180 days or more, the non-conforming use shall not be reestablished, and use of the structure or site thereafter shall be in conformity with the regulations for the zone district in which it is located. A residential legal non-conforming use shall be determined to be discontinued when all residential units on a parcel of land have been changed to a conforming use or as set forth in Table 2.29.3. Thereafter, the use of the parcel shall be in conformance with the regulations for the zone district in which it is located. Discontinuance of a use shall include termination of a use regardless of intent to resume the use. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**Section 29.08 Findings for Approval of Alteration of a Non-Conforming Use**

- A. Before any modification to a non-conforming use may be granted, the reviewing authority shall find that all of the following conditions shall exist in reference to the alteration being considered:
1. The proposed alteration will not prolong the normal remaining life of the non-conforming use.

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2. The proposed alteration of the non-conforming use will not be detrimental to or prevent the attainment of goals, objectives, and policies specified in the General Plan.
  3. The proposed alteration will not be detrimental to public health, safety, or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located.
  4. The proposed alteration will not change the primary use of the land or increase the intensity of that use.
  5. The existing non-conforming use and proposed alteration complies with all of the applicable City policies, codes and ordinances regulating operation of such uses.
- B. Any alterations required by governmental or court action shall be exempt from conditions of Sections 29.07 through 29.08 which are determined by the Planning Commission not to apply to the project site.

#### **Section 29.09 Abatement of Non-Conforming Uses**

A lawfully established use which becomes a non-conforming use under the provisions of this zoning Ordinance, shall be terminated within the time period specified in Table 2.29.3:



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**TABLE 2.29.3**  
**TIME PERIODS FOR ABATEMENT OF**  
**NON-CONFORMING USES**

USE	ALLOWABLE LIFE
A non-conforming use which does not occupy a structure	1 year
A non-conforming use involving only buildings or structures which would not require a building permit to replace such buildings or structures.	3 years
A non-conforming use housed in a conforming structure designed to serve a use permitted in the zone.	5 years
A non-conforming use involving buildings or structures which would require the construction of a building specifically designed for that use, due to the specialized needs or functions of said use. (Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)	20 years*
A non-conforming residential use which, through neglect, vandalism or deterioration, has become uninhabitable or unsafe to occupy. (Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)	180 days from the date the structure is deemed unsafe/ uninhabitable.

- \* Provided that the structure has a useful remaining life of at least 20 years. In the event that the structure does not have a useful remaining life of at least 20 years, as determined by the Building Official, then the Planning Director may establish a shorter amortization period for the non-conforming use and shall notify the owner of this determination in writing. (Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)









**CHAPTER 3 ARTICLE 30  
LIGHT AGRICULTURE (ZONE A-1)**

**CHAPTER 3  
AGRICULTURAL ZONES**

**ARTICLE 30 LIGHT AGRICULTURE (ZONE A-1)**

**Section 30.01 Intent and Purpose**

The Light Agriculture (A-1) Zone is intended to ensure that the rural character of portions of the planning area is maintained. Typical uses in this zone include truck farming, field and tree crops, and low density residential uses. Residential development permitted in this zone consists of large lot single family homes which may involve limited agriculture, including equestrian and other animal uses.

**Section 30.02 Locational Criteria**

The A-1 zone designation is appropriate for areas having a predominant lot size of approximately one or more acres and where rural residential and limited agricultural uses are existing or desired. This designation would be consistent with the ER (Equestrian Residential) and the LDR (Low Density Residential) General Plan land use designations.

**Section 30.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the A-1 Zone without zoning clearance or other planning approval, except as required by State law.

- A. Single family dwellings on lots of a minimum of one (1) net acre in area, except that single family dwellings may be permitted on existing lots of record provided that all minimum residential standards as contained in Section 41.09 are provided.
- B. Field, tree, bush, berry and row crops, including nursery stock.

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- B. Field, tree, bush, berry and row crops, including nursery stock, provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- C. Riding, hiking and bicycle trails and appurtenant facilities.
- D. Apiaries on lots or parcels of two and a half (2-1/2) or more acres.
- E. Keeping of permitted animals as an accessory use on lots or parcels of land adjoining a lot containing a primary residential use under the same ownership, provided that the ratio of such animals to the total land area of all such parcels does not exceed the ratios specified for animals as an accessory use as contained in Section 30.07; that any animal enclosures meet the required setbacks as contained in Section 30.09.D.; and that all such animals are predominantly kept or maintained for the private use of members of the family residing in the primary residence.
- F. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- G. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 30.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the A-1 zone, subject to the applicable provisions of the Zoning Ordinance.

- A. Additional permitted animals in excess of the allowed number, pursuant to an Additional Animals Permit (Section 26.08).

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- B. Day care facility, large family, pursuant to Section 26.09.
- C. Exotic animals, pursuant to Section 26.07.
- D. Home Occupation Permits, pursuant to Section 26.06.
- E. In-Tract Model Homes, pursuant to Section 27.03.B.5.
- F. Special Events pursuant to Section 27.03.A.
- G. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- H. Temporary Dependent Housing Unit, pursuant to Section 26.05 and Section 91.02.
- I. Temporary office modules on active construction sites, pursuant to Section 27.03.B.4.
- J. Trailer coaches, motorhomes or manufactured homes on active construction sites, pursuant to Section 27.03.B.3.

**Section 30.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses shall require approval, pursuant to the provisions of Chapter 2, Article 21 (Site Plan Review).

- A. Parks and playgrounds (excluding lighted playfields).
- B. Second dwelling units on individual parcels containing one single family dwelling unit, provided that each unit adheres to the standards contained in Section 41.09.G. and Section 91.03.
- C. Tennis courts or play courts, public or private (excluding lighted tennis courts or play courts. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*))

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**Section 30.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone A-1 may be used for the following purposes, provided that a permit has first been obtained, pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Agricultural workers' living quarters for persons employed and deriving the major portion of their income from employment on the premises.
- B. Camps, youth.
- C. Cemeteries, excluding mortuaries.
- D. Churches, temples or other places used exclusively for religious worship pursuant to Section 94.01.
- E. Convents, monasteries and retreat centers.
- F. Country clubs.
- G. Day care facilities, commercial, including pre-schools and nursery schools.
- H. Electric distribution substations, electric transmission substations and electric generating facilities pursuant to Section 95.01.
- I. Guest ranches.
- J. Golf courses and driving ranges pursuant to Section 94.02.
- K. Kennels, catteries or other commercial boarding facility for small animals pursuant to Section 92.03.



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- L. Lodge halls and meeting facilities for service organizations.
- M. Museums, cultural heritage areas, nature exhibits with trails and similar uses.
- N. Playgrounds and playfields, lighted.
- O. Riding academies and commercial stables.
- P. Road construction and maintenance yards
- Q. Schools through grade twelve (12), accredited, excluding trade or commercial schools.
- R. Social care facilities.
- S. Solid fill projects.
- T. Tennis courts or play courts, public or private, lighted. (Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)
- U. Transit related facilities, including train boarding areas (such as for Metrolink) and park and ride lots.
- V. Utility facilities, building and equipment, including but not limited to water, natural gas, and sewage facilities, but excluding sewage pump stations or treatment plants and major communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- W. Veterinary clinics, in accordance with Section 92.04.

**Section 30.07 Accessory Uses and Structures Permitted**

The following accessory uses are permitted in the A-1 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and

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that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- A. Animal keeping, subject to the following provisions. For the purpose of calculating the total number of animals allowed per lot area, rounding up shall not be permitted. Outdoor animal enclosures shall be located pursuant to Section 30.09.D.
1. Large animals, including horses, mules, donkeys, cattle, goats, hogs, sheep, llamas, alpacas, and other similar hooved animals, may be kept on a lot or parcel of land having an area of not less than twenty thousand (20,000) square feet. Three (3) such animals may be kept for each twenty thousand (20,000) square feet of lot area, provided that said animals are primarily raised and kept for the private use of members for the family residing on the premises. Up to twenty-five (25) percent of the total permitted number of animals on a parcel may be boarded there for persons who do not reside on the property. No market refuse or garbage shall be imported to feed said animals.
  2. Dogs and cats, provided that not more than three (3) dogs or three (3) cats of over four (4) months of age may be kept for each dwelling unit.
  3. Canaries, parakeets, parrots, cockatiels and other similar birds maintained for the private use of the members of the family residing on the premises.
  4. Turtles and tropical fish excluding caribe.
  5. White mice, white rats, hamsters, gerbils, guinea pigs, rabbits, chinchillas, and similar small rodents.
  6. Indigenous snakes and reptiles including iguanas, subject to Federal and State permits. Any non-indigenous reptiles shall require an Exotic Animal Permit pursuant to Section 26.07.

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7. Chickens (excluding roosters) may be kept for use of members of the family residing on the premises. Any other poultry and fowl may be raised and kept for use by members of the family residing on the premises, on lots of over one (1) net acre.
8. Educational Agricultural Projects, provided that such project is under the direction of an active member of a bona fide organization and that the premises are maintained in a sanitary condition and do not pose any nuisance to adjacent properties.

**B. Accessory dwelling units**

1. Guest house, excluding kitchen facilities, in accordance with Section 91.01.
2. Caretaker's residence, where the legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**C. Incidental uses**

1. Day care facility, small family, in accordance with applicable state and county requirements.
2. Residential care facility, in accordance with applicable state and county requirements.
3. Garage sales conducted in accordance with Section 91.07.
4. Seasonal display and sale of agricultural products lawfully produced on the property, subject to the following conditions:

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- a. Not more than one (1) stand is permitted on any lot or parcel of land; and
- b. Floor area of the stand shall not exceed three hundred (300) square feet.

**D. Accessory structures**

The following accessory structures are permitted in the A-1 zone, provided that requirements for building setbacks, height and other development standards are adhered to pursuant to Section 30.09.

- 1. Private garages and carports.
- 2. Separate structure containing children's play space, office space or other use, provided that there is no kitchen, that such space is not intended or utilized for a separate living facility, and that the building is architecturally compatible with the primary residence.
- 3. Covered or uncovered decks and patios; gazebos.
- 4. Tool houses, greenhouses, tack rooms, and feed storage facilities.
- 5. Water wells, water reservoirs and storage tanks.
- 6. Buildings and structures for the housing, nurture, confinement or storage of animals lawfully permitted on the premises.
- 7. Accessory signs, as permitted in Article 88.
- 8. Vertical antennae and satellite dishes in accordance with Sections 95.02 and 95.03.
- 9. Windmills and wind generators.



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10. Recreational amenities, including pool, spa, jacuzzi, and appurtenant equipment. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 30.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the A-1 Zone, pursuant to Section 24.12.

**Section 30.09 Standards of Development**

Premises in Zone A-1 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land created in the A-1 Zone shall have a minimum lot area of not less than one (1) acre net, or the number following the zoning symbol (if any), whichever is greater.

**B. Lot width and depth**

Each lot or parcel of land created in the A-1 zone shall have a minimum lot width of one hundred fifty (150) feet. The lot depth to width ratio shall not exceed 4:1.

**C. Yards**

**1. Front yard**

Each lot or parcel of land in Zone A-1 shall have a front yard of not less than thirty-five (35) feet in depth.

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**2. Side yards**

Each lot or parcel of land in Zone A-1 shall have a side yard of not less than ten (10) feet in width, except on the street side of corner or reversed corner lots, which shall have a side yard of not less than twenty (20) feet in width.

**3. Rear yard**

Each lot or parcel of land in Zone A-1 shall maintain a minimum rear yard of not less than thirty (30) percent of the lot depth or thirty-five (35) feet, whichever is greater, except that attached and detached patio covers and decks may encroach into the rear yard setback a maximum of ten (10) feet.

**D. Building height and setbacks**

**1. Building height**

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed two (2) stories or thirty-five (35) feet. The maximum height of accessory structures shall not exceed two (2) stories or fifty (50) feet.

**2. Setbacks for accessory structures**

Setbacks for accessory structures shall be provided pursuant to Section 82.02, except that setbacks for accessory structures for animal keeping purposes are as follows:

- a. Toolhouses, greenhouses, tackrooms and feed storage facilities shall not be located in a required front yard, and shall be located no closer than ten (10) feet to any side or rear lot line.

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- b. Animal enclosures shall not be located in a required front yard and shall be located no closer than fifty (50) feet from any residential structure. In addition, barns, hutches, coops, aviaries and other similar buildings or structures shall not be located within twenty (20) feet of any side or rear lot line.
- c. Apiaries shall not be located in a required front yard and shall not be located within fifty (50) feet of any side or rear lot line.
- d. Accessory signs shall be located according to the standards established in Article 88.
- e. All other accessory structure permitted in the A-1 zone shall not be located in a required front yard and shall be located no closer than five (5) feet from any side or rear property line.

**E. Off-street parking**

Each lot or parcel of land in Zone A-1 shall have off-street parking facilities as prescribed in Article 87 (Off-Street Parking and Loading).

**F. Minimum construction standards for single family homes**

All single family homes constructed in the A-1 zone shall comply with the minimum residential construction standards contained in Section 41.09.G.

**G. Rural development standards**

The following standards may be utilized in the A-1 zone to create and maintain a rural lifestyle, where applicable.

- 1. Interior local streets within the A-1 zone shall utilize rural street standards, except as otherwise approved by the City Engineer. Such street sections may include, but are not limited to reduced pavement width, rolled curbs, graded shoulders, multi-use recreational trails in lieu of sidewalks, or

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sidewalks on one side of the street only. The location and type of rural street improvement is subject to the approval of the Los Angeles County Fire Department and the City.

2. Modified street lighting standards shall be utilized to reduce ambient night light levels in rural areas, provided that adequate lighting is provided to maintain safety at intersections and crosswalks, as approved by the City and Los Angeles County. This provision may be modified as approved by the City Engineer.







CHAPTER 4  
RESIDENTIAL ZONES

ARTICLE 40 RESIDENTIAL ZONES

Section 40.01 Designation of Residential Zones

As used in this Ordinance, residential zones means Zones:

- R-1 (Single Family Residential)
- R-2 (Medium Residential)
- R-3 (Multiple Residential)

Section 40.02 Intent and Purpose

The purpose of this Chapter is to achieve the following:

- A. Reserve adequate land within the City for residential uses having a range of dwelling unit densities to serve all economic and demographic segments of the population, in conformance with the General Plan and appropriate standards of public health, safety, welfare, and aesthetics; and
- B. Ensure adequate light, air, privacy, and open space for each dwelling unit; and
- C. Protect residential neighborhoods from excessive noise, light and glare, unsightliness, odor, smoke, and other objectionable influences; and
- D. Establish development standards and requirements to facilitate the retention of existing residential neighborhoods; the maintenance and upgrade of transitional residential neighborhoods; and the establishment of new residential neighborhoods in accordance with General Plan policies.





**CHAPTER 4 ARTICLE 41**  
**SINGLE FAMILY RESIDENTIAL (ZONE R-1)**

**ARTICLE 41 SINGLE FAMILY RESIDENTIAL (ZONE R-1)**

**Section 41.01 Intent and Purpose**

The Single Family Residential (R-1) Zone is established for the development of single family detached dwellings at gross densities ranging from 0 to 6 dwelling units per acre and a minimum lot size of seven thousand (7,000) square feet. Development within the R-1 Zone generally consists of single-family residential neighborhoods of a suburban type and density. Accessory uses of a rural residential nature may be permitted where lot sizes and community character warrant such uses. Additional uses are permitted that are complementary to and not detrimental to the residential neighborhood.

**Section 41.02 Locational Criteria**

The R-1 zoning designation is appropriate for areas which are, or are anticipated to be utilized for single family residential development. Lot size and density within the R-1 zone is determined by the underlying General Plan designation, as it may be modified due to topographical, environmental and physical constraints. This designation would be consistent with the SFR (Single Family Residential) General Plan Land Use designations; however, the designation may also be utilized with the LDR (Low Density Residential) land use designation for larger residential lots, where accessory animal and light agricultural uses are less intensive than in the A-1 zone.

**Section 41.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the R-1 zone without zoning clearance or other planning approval, except as required by state law.

- A. Keeping of permitted animals as an accessory use on lots or parcels of land adjoining a lot containing a primary residential use under the same ownership, provided that the ratio of such animals to the total land area of all such parcels

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does not exceed the ratios specified for animals as an accessory use as contained in Section 41.07; that any animal enclosures meet the required setbacks as contained in Section 30.09.D.2; and that all such animals are predominantly kept or maintained for the private use of members of the family residing in the primary residence.

- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Single family detached dwellings on lots of a minimum seven thousand (7,000) square feet in area, except that single family dwellings may be permitted on existing lots of record provided that all minimum residential standards as contained in Section 41.09 are provided.
- D. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- E. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 41.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the R-1 zone, subject to the applicable provisions of the Zoning Ordinance.

- A. Additional permitted animals in excess of the allowed number, pursuant to an Additional Animals Permit (Section 26.08).
- B. Day care facility, large family, pursuant to Section 26.09.
- C. Home Occupation Permits, pursuant to Section 26.06.

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- D. In-tract model home complex, pursuant to Section 27.03.B.5.
- E. Special events pursuant to Section 27.03.A.
- F. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- G. Temporary Dependent Housing Unit, pursuant to Sections 26.05 and 91.02.
- H. Temporary office modules on active construction sites, pursuant to Section 27.03.B.4.
- I. Trailer coaches, motorhomes or manufactured homes on active construction sites, pursuant to Section 27.03.B.3.

**Section 41.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses shall require approval pursuant to the provisions of Chapter 2, Article 21 (Site Plan Review).

- A. Electric distribution substations, electric transmission substations and electric generating facilities, in accordance with Section 95.01.
- B. Off-Site Model Home Sales, pursuant to the provisions of Section 27.03.C.1. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
- C. Parks and playgrounds (excluding lighted playfields).
- D. Second dwelling units on individual parcels containing one single family dwelling unit, provided that each unit adheres to the minimum residential standards contained in Section 41.09.G.

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- E. Utility facilities, building and equipment, including but not limited to water, natural gas, and sewage facilities, but excluding sewage pump stations or treatment plants and major communication facility. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- F. Tennis courts or play courts, public or private (excluding lighted tennis courts or play courts). *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**Section 41.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone R-1 may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Bed and breakfast establishments.
- B. Churches, temples or other places used exclusively for religious worship, in accordance with Section 94.01.
- C. Convents, monasteries and retreat centers.
- D. Country clubs.
- E. Golf courses and related facilities, except miniature golf and stand alone driving ranges, in accordance with Section 94.02.
- F. Playgrounds and playfields, lighted.
- G. Schools from kindergarten to grade twelve (12), accredited, excluding trade or commercial schools.
- H. Solid fill projects.



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- I. Tennis courts or play courts, public or private, lighted. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 41.07 Accessory Uses and Structures Permitted**

The following accessory uses are permitted in the R-1 zone, provided that such uses are established on the same lot or parcel of land as the principal dwelling unit and that such accessory uses are incidental to and do not substantially alter the character of any permitted principal use.

- A. Animal keeping, subject to the following provisions. Outdoor animal enclosures shall be located pursuant to Section 30.09.D.
1. Dogs and cats, provided that not more than two (2) dogs and two (2) cats over the age of four (4) months may be kept for each dwelling unit.
  2. Horses, mules, donkeys, and other equines on a lot or parcel of land having an area of not less than twenty thousand (20,000) square feet, provided that said animals are kept or maintained for the private use of members of the family residing on the premises. Three such animals may be kept for each twenty thousand (20,000) square feet of lot area. Up to two (2) of the permitted animals on a lot may be boarded there for persons who do not reside on the property.
  3. Other domestic creatures which are neither farm animals, exotic, nor wild animals, such as canaries, parakeets, cockatiels, and other similar birds; tropical fish excluding caribe; turtles; white mice, white rats, hamsters, gerbils, guinea pigs, and similar small rodents; snakes and reptiles; and other similar animals commonly sold in pet stores and kept as household pets provided that such animals are not maintained for commercial purposes, do not constitute a nuisance, and are adequately provided with food, care and sanitary facilities.

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4. Poultry and fowl, excluding roosters and peafowl, on a lot or parcel of land, not having less than twenty thousand (20,000) square feet, provided that said birds are kept or maintained for the private use of members of the family residing on the premises. Up to three (3) such birds in any combination may be kept for each ten thousand (10,000) square feet of lot area.
5. Vietnamese pot-bellied pigs maintained as a pet, provided that not more than one such animal may be kept for each dwelling unit.

**B. Accessory dwelling units**

1. Guest house, excluding kitchen facilities, in accordance with Section 91.01.

**C. Incidental uses**

1. Day care facility, small family, in accordance with applicable state and county requirements.
2. Garage sales conducted in accordance with Section 91.07.
3. Residential care facility, in accordance with applicable state and county requirements.

**D. Accessory structures**

The following accessory structures are permitted in the R-1 zone, provided that requirements for building setbacks, height, and other development standards are adhered to pursuant to Section 82.02 (Location of Accessory Buildings in Yards).

1. Accessory signs, as permitted in Article 88.

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2. Buildings and structures for the housing, nurture, confinement, or storage of animals lawfully permitted on the premises, pursuant to Section 30.09.D.
3. Covered or uncovered decks and patios; gazebos. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
4. Doghouses. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
5. Recreational amenities, including pool, spa, jacuzzi, and appurtenant equipment. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
6. Tool houses, greenhouses, tack rooms and feed storage facilities.
7. Vertical antennae and satellite dishes, in accordance with Sections 95.02 and 95.03.
8. Water wells, water reservoirs, and storage tanks.

**Section 41.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the R-1 zone, pursuant to Section 24.12.

**Section 41.09 Standards of Development**

Premises in Zone R-1 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

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**A. Lot area**

Each lot or parcel of land created in the R-1 Zone shall have a minimum lot area of not less than 7,000 square feet net, or the number following the zone symbol (if any), whichever is greater.

**B. Lot width**

Each lot or parcel of land in Zone R-1 shall have a minimum lot width of not less than that shown on the following table. Flag lots shall adhere to the standards contained in Section 81.03.B.

REQUIRED AREA (square feet)	MINIMUM REQUIRED WIDTH (feet)	
	Interior Lots	Corner Lots
7,000 - 7,999	65	70
8,000 - 8,999	70	70
9,000 - 9,999	75	75
10,000 - 12,499	80	80
12,500 - 14,999	90	90
15,000 and OVER	100	100

**C. Lot depth**

Each lot or parcel of land in Zone R-1 shall have a minimum lot depth of not less than one hundred (100) feet. Each lot or parcel of land that is backing onto a designated arterial street or onto a commercial or industrial designation or use shall have a minimum lot depth of not less than one hundred and ten (110) feet. The lot depth to width ratio shall not exceed 3:1.



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**D. Yards**

**1. Front yard**

Each lot or parcel of land in Zone R-1 shall have a front yard of not less than twenty (20) feet in depth measured from the edge of the public right-of-way to the closest portion of the principal structure, except:

- a. For lots of record, created and recorded prior to the effective date of this Zoning Ordinance for which the alternate section was specifically permitted, the front yard setback may include the landscaped parkway located between the edge of the sidewalk and the property line.
- b. For lots of record of 40,000 square feet or greater, a front yard of not less than thirty-five (35) feet in depth measured from the property line to the closest portion of the principal structure shall be provided.
- c. For lots of record which front on a private street or drive, a setback of at least twenty (20) feet shall be provided from the face of the garage door to the back of the sidewalk.

**2. Side yards**

- a. Each lot or parcel of land in Zone R-1 shall have one side yard of not less than five (5) feet in width and one side yard of not less than ten (10) feet in width, except on the street side of corner or reversed corner lots, which shall have a side yard of not less than ten (10) feet in width.
- b. Maintenance and revegetation of downslopes to exterior side yard property lines shall be ensured through use of slopes no greater than 3:1, which may be used in combination with retaining walls.

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Where necessary, additional lot width may be required to meet this policy.

**3. Rear yard**

Each lot or parcel in Zone R-1 shall maintain a minimum rear yard of not less than twenty (20) percent of the lot depth or twenty (20) feet, whichever is greater, in accordance with the following standards: *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

- a. The portion of the rear yard which is not encroached upon with any building or structure shall be at least 1,000 square feet in area.
- b. Where manufactured slopes in rear yards exceed twenty (20) feet in height, lot depth shall be increased to create additional flat lot area and minimize the visual effect of these slopes. For every foot of slope height over twenty (20) feet, the flat portion of rear yard area shall be increased by five (5) percent.
- c. Manufactured slopes in rear yards may be used to calculate no more than twenty-five (25) percent of the required rear yard setback.
- d. Manufactured slopes in rear yards may not exceed thirty (30) feet in height.
- e. Where lot depth is one hundred ten (110) feet due to lot backing onto an arterial street or more intensive use, rear yard setback for the habitable residential structure(s) on the lot shall be thirty (30) feet.
- f. In rear yards containing slopes in excess of 3:1, a level area having a minimum depth of ten (10) feet and an average depth of fifteen (15) feet, measured from the rear of the primary structure, shall be

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maintained. For the purposes of this section, level area shall mean an area generally characterized as having a slope no greater than five percent (5%).

- g) A minimum fifteen (15) foot setback from rear dwelling wall to any slope break in excess of a 3:1 ratio shall be provided. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
- h) Setbacks for accessory buildings and accessory structures are set forth in Section 82.02. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**4. Perimeter wall setbacks**

Perimeter subdivision setback area shall be a minimum of twelve (12) feet, measured to the back of the sidewalk or to the public right-of-way when no sidewalk exists, and the entire twelve (12) foot area shall be landscaped, except that such landscaped setback area may be reduced to a minimum of five feet measured from the public right-of-way provided the reduction in such setback area is offset by a corresponding increase in the adjacent required yard for the lot. (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)

**E. Building height and lot coverage** (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*) (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

- 1. Primary building heights in the R-1 Zone shall not exceed two (2) stories or thirty-five (35) feet. Accessory building heights in the R-1 Zone shall not exceed one (1) story or seventeen (17) feet.
- 2. Lot coverage within Zone R-1 shall not exceed forty (40) percent. For the purpose of this section, lot coverage shall include principal building(s), accessory dwelling units, and enclosed accessory structures which

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exceed three (3') feet in height. The figure shall not include walls, fences, patio covers, animal enclosures, tennis courts, play courts, or below ground pools/spas. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**F. Off-street parking**

Each lot or parcel of land in Zone R-1 shall have off-street parking facilities as required in Article 87 (Off-Street Parking). Parking and storage of recreation vehicles shall be permitted pursuant to Section 82.05. Light auto repair and maintenance activities on vehicles owned and operated by the resident of a dwelling unit are permitted only within the dwelling unit's garage, and shall be conducted pursuant to Municipal Code Chapter 8.36. Any waste oil, automobile fluids or automobile parts shall be disposed of as prescribed by state law and local ordinance. No vehicle repair or maintenance activities, or storage of inoperable vehicles, are permitted within driveway areas, front yard setbacks or in rear or side yard areas which are visible from a public right-of-way. No commercial auto repair activities are permitted in the R-1 zone. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**G. Minimum construction standards for single family homes**

The following standards shall be applied to all permitted construction or installation within the City of all detached single family structures, additions thereto and all accessory structures including but not limited to garages, guest houses, temporary dependent housing units, and second dwelling units, except as otherwise authorized by State law.

1. All dwelling units shall be placed on permanent foundations in accordance with City Building and Safety Department requirements.
2. Siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic products of a similar appearance, equivalent durability and providing equivalent fire resistance may be permitted.



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Metal siding, if utilized, shall be non-reflective and horizontally overlapping. The exterior covering material shall extend to a point at or near grade except that if an approved solid wood, metal, concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

3. All residential structures shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the residential structure, unless overhangs are architecturally incompatible with the design of the structure as approved by the Planning Director or his/her designee. Roof materials shall be non-flammable; shake shingles shall not be allowed.
4. All entries/exits shall be completed in accordance with the City Building & Safety Department requirements.
5. Minimum habitable floor area of principal structures shall be seven hundred twenty-five (725) square feet measured from the exterior of the structure. Maximum habitable floor area of a second dwelling unit shall not exceed 1200 square feet. Any increase in the floor area of a primary dwelling unit by addition of an attached second dwelling unit shall not exceed thirty (30) percent of the existing living area.
6. Minimum floor width and depth shall each average twenty (20) feet measured from the exterior of the structure excluding garages, porches, patio, eaves, cabanas and pop-outs.
7. A fully enclosed two-car garage with a clear and free minimum interior dimension of twenty (20) feet wide and twenty (20) feet long, constructed in compliance with the City Building & Safety Department requirements shall be provided. Such structures shall be architecturally compatible with the principal structure, and shall be provided with decorative sectional roll-up doors constructed of a durable material, such as wood or metal, as approved by the Planning Director. No wood doors constructed of

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plywood sheeting shall be permitted. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

8. Utility hookups and an area to accommodate installation of a clothes washer and dryer shall be provided within the primary structure or within an enclosed accessory structure.
9. Except as otherwise provided within this Code, any manufactured home installed or constructed in accordance with the provisions of this Section shall be allowed where this Code allows the construction of a detached single family structure.
10. A building permit for the installation of a manufactured home not within an approved and properly licensed manufactured home development shall not be issued, if more than ten (10) years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home.
11. Every dwelling unit must conform to height, setback, lot coverage and other applicable provisions of the zone in which it is located.

**H. Landscaping**

Every single family residential lot shall be required to have one (1) street tree installed per street frontage; corner lots shall have one (1) tree planted in the front yard parkway and two (2) trees planted in the sideyard parkway for a total of three (3) trees. Landscaping provided between the back of curb and any perimeter subdivision wall abutting an arterial street shall be installed in accordance with the City's engineering design standards and approved by the Landscape Architect.

**ARTICLE 42 MEDIUM RESIDENTIAL (ZONE R-2)**

**Section 42.01 Intent and Purpose**

The Medium Residential (R-2) Zone is intended to allow the development of housing at a gross density of between 6.1 and 10 dwelling units per acre. This zone permits a mix of dwelling unit densities and structure types, including single family detached and attached; zero lot line and wide-shallow subdivisions; duplexes, triplexes, condominium and townhouse developments; and moderate density apartment and manufactured housing development. Additional uses are permitted that are complementary to and not detrimental to the residential character of development in this zone.

**Section 42.02 Locational Criteria**

The R-2 zoning designation is appropriate for areas which are relatively flat; are served or will be provided with urban level infrastructure; are accessible by collector or arterial streets; are or will be served by public transit; and are supported by community facilities and appropriate commercial services within a reasonable distance. This designation would be appropriate where there is a transition between single family detached housing and uses of a higher density or intensity. This designation would be consistent with the MR (Medium Residential) General Plan land use designation.

**Section 42.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the R-2 zone without zoning clearance or other planning approval, except as required by state law:

- A. Dwellings, two-family on lots of a minimum eight thousand (8,000) square feet in area. This shall include a two-family attached structure (duplex) or two single family detached units on one lot.

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- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Single family detached dwellings on lots of a minimum seven thousand (7,000) square feet in area, except that single family dwellings may be permitted on existing lots of record provided that all minimum requirements for single family residential structures are provided, in accordance with Section 41.09.
- D. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- E. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 42.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the R-2 zone, subject to the applicable provisions of the Zoning Ordinance.

- A. Additional permitted animals in excess of the allowed number, pursuant to an Additional Animals Permit (Section 26.08).
- B. Day care facility, large family, on a lot containing a single family dwelling pursuant to Section 26.09.
- C. Home Occupation Permits, pursuant to Section 26.06.
- D. In-Tract Model Home Complex, pursuant to Section 27.03.B.5.
- E. Special Events pursuant to Section 27.03.A.



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- F. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- G. Trailer coaches, motorhomes or manufactured homes on active construction sites, pursuant to Section 27.03.B.3.
- H. Temporary office modules on active construction sites, pursuant to Section 27.03.B.4.
- I. Temporary Dependent Housing Unit on a lot containing a single family dwelling, pursuant to Sections 26.05 and 91.02.

**Section 42.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses shall require approval pursuant to the provisions of Chapter 2, Article 21 (Site Plan Review).

- A. Electric distribution substations, electric transmission substations and electric generating facilities, in accordance with Section 95.01.
- B. Multiple family residential uses consisting of three (3) or more residential dwelling units on one lot or project area, including but not limited to apartments, condominiums, townhouses, and triplexes;
- C. Off-site model home sales complex, pursuant to the provisions of Section 27.03.C.1. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
- D. Parks and playgrounds (excluding lighted play fields).
- E. Second Dwelling Units on individual parcels containing one single family dwelling unit, provided that each unit adheres to the minimum residential standards contained in Section 41.09.G. and Section 91.03.

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- F. Utility facilities, building and equipment, including but not limited to water, natural gas, and sewage facilities, but excluding sewage pump stations or treatment plants and major communication facility. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- G. Tennis courts or play courts, public or private (excluding lighted tennis courts or play courts. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 42.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone R-2 may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Bed and breakfast establishments.
- B. Churches, temples or other places used exclusively for religious worship pursuant to Section 94.01.
- C. Conversion of apartment complexes, pursuant to the applicable sections of the City's Subdivision Ordinance. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
- D. Country clubs.
- E. Day care facility, commercial.
- F. Golf courses and related facilities, except miniature golf and stand alone driving ranges, pursuant to Section 94.02.
- G. Manufactured home parks and subdivisions, subject to the standards contained in Sections 91.05 and 91.06 and applicable General Plan policies.
- H. Playgrounds and play fields, lighted.

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**MEDIUM RESIDENTIAL (ZONE R-2)**

- I. Schools from kindergarten to grade twelve (12), accredited, excluding trade or commercial schools.
- J. Tennis courts or play courts, public or private, lighted. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 42.07 Accessory Uses and Structures Permitted**

The following accessory uses are permitted in the R-2 zone, provided that such uses are established on the same lot or parcel of land as the principal dwelling unit and that such accessory uses are incidental to, and do not substantially alter the character of any permitted principal use.

- A. Animal keeping, subject to the following provisions:
  - 1. Dogs and cats, provided that not more than two (2) dogs and two (2) cats over the age of four (4) months may be kept for each dwelling unit.
  - 2. Other domestic creatures which are neither farm animals, nor wild animals, such as canaries, parakeets, cockatiels, and other similar birds; tropical fish excluding caribe; turtles; white mice, white rats, hamsters, gerbils, guinea pigs, and similar small rodents; snakes and reptiles; and other similar animals commonly sold in pet stores and kept as household pets provided that such animals are not maintained for commercial purposes, do not constitute a nuisance, and are adequately provided with food, care and sanitary facilities.
  - 3. Vietnamese pot-bellied pigs maintained as a pet, provided that not more than one (1) such animal may be kept for each dwelling unit.
- B. Accessory dwelling units
  - 1. Guest house (excluding kitchen facilities) on a lot containing a single family dwelling unit, in accordance with Section 91.01.

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**MEDIUM RESIDENTIAL (ZONE R-2)**

**C. Incidental uses**

1. Day care facility, small family in a single family dwelling, in accordance with applicable state and county requirements.
2. Garage sales conducted in accordance with Section 91.07.
3. Residential care facility in a single family dwelling, in accordance with applicable state and county requirements.

**D. Accessory structures**

The following accessory structures are permitted in the R-2 zone, provided that requirements for building setbacks, height, and other development standards are adhered to pursuant to Section 82.02.

1. Accessory signs, as permitted in Article 88.
2. Covered or uncovered decks and patios; gazebos.
3. Doghouses.
4. Enclosed structure containing children's play space, office space or other use on a lot containing a single family residence, provided that there is no kitchen, that such space is not intended to be utilized for a separate living facility, and that the building is architecturally compatible with the primary residence.
5. Private garage and carports.
6. Recreational amenities, including pool, spa, jacuzzi, and appurtenant equipment. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)



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7. Tool houses, storage sheds and greenhouses.
  8. Vertical antennae and satellite dishes, in accordance with Sections 95.02 and 95.03.
- E. Areas designated for the temporary storage and sorting of recyclable materials, in accordance with Section 85.03.

**Section 42.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the R-2 zone, pursuant to Section 24.12.

**Section 42.09 Standards of Development**

Premises in Zone R-2 shall be subject to the development standards contained in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land in Zone R-2 shall have a minimum lot area of not less than the following. For the purpose of calculating the permitted number of dwelling units per lot, rounding up shall not be allowed.

1. For single family detached dwelling units established as a primary use, the minimum lot area shall be seven thousand (7,000) square feet.
2. For single family attached or multiple family structures, the minimum project or lot area shall total no less than four thousand (4,000) square feet of net lot area per dwelling unit, except that nothing in this Section

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shall be interpreted to allow a dwelling unit density in excess of that permitted by the underlying General Plan land use designation.

3. For manufactured home subdivisions, the minimum lot area for each manufactured home lot shall be no less than three thousand five hundred (3,500) square feet, provided that the gross density of the subdivision shall not exceed that permitted by the General Plan.
4. A number following the zoning symbol may modify the minimum lot size requirement, pursuant to Section 13.02.B.

**B. Project/lot width**

1. Single family detached dwelling units proposed on seven thousand (7,000) square foot minimum lots within Zone R-2 shall have lot widths pursuant to Section 41.09 (Standards of Development for Zone R-1).
2. All other projects in Zone R-2 shall have a minimum project/lot width of one hundred (100) feet.

**C. Yards**

Except as otherwise required by Article 83, setbacks in Zone R-2 shall be as follows.

1. Front yard
  - a. Single family detached dwelling units proposed on seven thousand (7,000) square foot minimum lots within Zone R-2 shall be developed in accordance with Section 41.09 (Standards of Development for Zone R-1).
  - b. The front yard building setback for all other dwelling unit types in Zone R-2 shall be twenty (20) feet.

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2. Side yards

- a. Single family detached dwelling units proposed on seven thousand (7,000) square foot minimum lots within Zone R-2 shall be developed in accordance with Section 41.09 (Standards of Development for Zone R-1)
- b. The building setback for all other dwelling unit types in Zone R-2 shall not be less than five (5) feet for each story.

3. Rear yard

- a. Single family detached dwelling units proposed on seven thousand (7,000) square foot minimum lots within Zone R-2 shall be developed in accordance with Section 41.09 (Standards of Development for Zone R-1).
- b. The building setback for all other dwelling unit types in Zone R-2 shall not be less than fifteen (15) feet.

D. Building height and setbacks

1. Building height

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed two (2) stories or thirty-five (35) feet. The maximum height of accessory structures shall not exceed one (1) story or seventeen (17) feet.

2. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 82.02

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3. Maximum lot coverage.

Maximum lot coverage within Zone R-2 shall not exceed fifty percent (50%). For the purpose of this section, building lot coverage shall include principal structure(s) and all accessory structures which exceed 3.5 feet in height. The figure shall not include walls, fences or below ground pools and spas.

E. Off-street parking

Each lot or parcel of land in Zone R-2 shall have off-street parking facilities as prescribed in Article 87 (Off-Street Parking).

F. Multiple family dwelling size standards

The following minimum dwelling areas are computed by calculating the living areas as measured from the outside walls and excludes garages, carports, exterior courtyards, patios and balconies, except as otherwise approved in conjunction with a housing project for low income households or seniors.

Livable Area in Square Feet	Bedrooms Maximum Number	Baths Minimum Number
500	Bachelor	1
600	1	1
800	2	1
1,000	3	2
1,200 and over	3 or more	2



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**MEDIUM RESIDENTIAL (ZONE R-2)**

**G. Housing construction standards**

1. All single family detached units proposed on seven thousand (7,000) square foot minimum lots within Zone R-2 shall be subject to the Minimum Construction Standards contained in Section 41.09 (Development Standards for Zone R-1).
2. All multiple family housing proposed within Zone R-2 shall be constructed in the following manner, except as otherwise approved in conjunction with a housing project for low income households or seniors.
  - a. All multiple family developments with four (4) or more dwelling units shall provide thirty percent (30%) usable common open space for passive and active recreational uses. For purposes of meeting this requirement, usable open space areas shall not include public or private rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope of greater than 3:1.
  - b. Each dwelling unit shall have a private (walled) patio or balcony of not less than two hundred (200) square feet in area or twenty-five percent (25%) of the dwelling unit size, whichever is less.
  - c. All multiple family developments with four (4) or more dwelling units shall provide recreational amenities within the site which may include but are not limited to a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities (in accordance with Section 91.08, such as tennis, basketball, or racquetball); improved softball or baseball fields; or day care facilities. The type of amenities required shall be dependent upon the nature of the development, and shall be approved by the reviewing authority in accordance with the

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following schedule (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*):

Units	Amenities
0-3	0
4-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

- d. Climatic conditions shall be considered in locating common spaces; they should be screened from prevailing southwest winds, provided with shade from the high summer sun and open to winter sunshine.
- e. Off-street parking spaces for multi-family residential developments shall be located within one hundred fifty (150) feet walking distance of the dwelling unit (front or rear door) for which the parking space is provided.
- f. Each dwelling unit shall be provided a minimum of one hundred fifty (150) cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
- g. Driveway approaches within multiple family developments shall be delineated with interlocking pavers, decorative concrete, landscaped medians or similar features.

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- h. Dead end driveways of over one hundred (100) feet in length should be avoided.
- i. All parts of all structures shall be within one hundred fifty (150) feet of emergency access for single story and fifty (50) feet for multi-story.
- j. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code, shall be provided.
- k. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
- l. Management and security plans shall be submitted for review and approval for multi-family developments with ten (10) or more dwelling units.
- m. Trash areas shall be dispersed throughout the complex. Trash areas not located within a building shall be paved and located a minimum of five (5) feet from the private street or drive aisle. Such areas shall be consistent with the standards contained in Section 85.01. One trash area shall be provided for the first ten (10) units or fraction thereof, and one for each additional ten (10) units or fraction thereof.
- n. Adequate internal and external lighting within all publicly accessible areas of the development, including walkways, shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.

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- o. Placement of buildings and open space areas shall be designed to facilitate visibility by residents, passers-by and law enforcement personnel. Passageways having dead ends or lacking visibility from adjacent buildings, walkways and/or streets will not be allowed.
- p. Roof access from all buildings shall be internal; no outside ladders attached to buildings are permitted.
- q. All rooftop equipment shall be screened with architectural means such as parapet walls or rooftop wells; drainage downspouts, roof vents and other equipment shall be painted to match the surface to which they are attached.
- r. Screening of equipment, utilities and service areas shall be provided in accordance with Section 86.02.
- s. Units shall be pre-wired to accommodate cable reception. Satellite dish antennas shall be prohibited on roofs, and shall be screened in a manner which is compatible with adjacent structures.
- t. Where common mailboxes are provided, they should be located close to the project entry and near recreational facilities; the location must be approved by the U. S. Postal Service.
- u. Multiple residential structures shall be designed so as to break up long wall or roof line planes by offsets, shadow lines, facade treatment and other similar means. Architectural treatments shall be included on all sides of structures.
- v. Carports, garages, trash enclosures and other accessory structures shall be designed to reflect the architecture of the primary buildings, with respect to style, colors and materials, and shall be screened with landscaping wherever possible.



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- w. Individual garages with parking aprons of less than twenty (20) feet in length shall have automatic garage door openers and sectional roll-up doors; in no case shall the drive approach in front of individual garages be less than five (5) feet in length.
- x. Bicycle racks shall be provided in secure locations throughout the project.



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MULTIPLE RESIDENTIAL (ZONE R-3)**

**ARTICLE 43 MULTIPLE RESIDENTIAL (ZONE R-3)**

**Section 43.01 Intent and Purpose**

The Multiple Residential (R-3) Zone is intended to promote the development of grouped housing such as townhouses, condominiums and apartments at a density of up to sixteen (16) dwelling units per gross acre. This designation permits the development of self contained residential communities which provide adequate on-site recreational facilities and open space to meet the immediate needs of its residents. Additional uses are permitted that are complementary and not detrimental to the residential character of development in this zone.

**Section 43.02 Locational Criteria**

The R-3 zoning designation is appropriate for those properties which are relatively flat, having a general gradient of less than ten (10) percent; which are served or will be provided with urban level infrastructure; are accessible by arterial streets or highways; are, or will be, served by public transit; and are supported by community facilities and appropriate commercial services within a reasonable distance. This designation would be appropriate where there is a transition between single family detached or medium density housing and uses of a greater density or intensity. Zone R-3 would be consistent with the MFR (Multi-Family Residential) General Plan land use designation.

**Section 43.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the R-3 zone without zoning clearance or other planning approval, except as required by state law.

- A. Dwellings, two-family on lots of a minimum seven thousand (7,000) square feet in area. This shall include a two-family attached structure (duplex) or two single family detached units on one lot.

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- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 43.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the R-3 zone, subject to the applicable provisions of the Zoning Ordinance.

- A. Day care facility, large family, on a lot containing a single family dwelling pursuant to Section 26.09.
- B. Home Occupation Permits, pursuant to Section 26.06.
- C. In-Tract Model Homes, pursuant to Section 27.03.B.5.
- D. Special Events pursuant to Section 27.03.A.
- E. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- F. Temporary office modules on active construction sites, pursuant to Section 27.03.B.4.
- G. Trailer coaches, motorhomes or manufactured homes on active construction sites, pursuant to Section 27.03.B.3.



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**Section 43.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses shall require approval pursuant to the provisions of Chapter 2, Article 21 (Site Plan Review).

- A. Electric distribution substations, electric transmission substations, and electric generating facilities, in accordance with Section 95.01.
- B. Multiple family residential uses consisting of three (3) or more residential dwelling units, including but not limited to apartments, condominiums, townhouses, and triplexes.
- C. Parks and playgrounds (excluding lighted playfields).
- D. Utility facilities, building, and equipment, including, but not limited to water, natural gas, and sewage facilities, but excluding sewage pump stations or treatment plants and major communication facility. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- E. Tennis courts or play courts, public or private (excluding lighted tennis courts or play courts. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 43.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone R-3 may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of Chapter 1, Article 18 (Conditional Use Permits).

- A. Bed and breakfast establishments.
- B. Churches, temples or other places used exclusively for religious worship, pursuant to Section 94.01.
- C. Convalescent facilities.

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- D. Conversion of apartment complexes, pursuant to the applicable provisions of the City's Subdivision Ordinance. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
- E. Country clubs
- F. Day care facility, commercial.
- G. Dormitories.
- H. Golf courses and related facilities, except miniature golf and stand alone driving ranges, pursuant to Section 94.02.
- I. Manufactured home parks and subdivisions, subject to the standards contained in Sections 91.05 and 91.06 and applicable General Plan policies.
- J. Off-site model home sales complex, pursuant to the provisions of Section 27.03.C.1.
- K. Playgrounds and playfields, lighted.
- L. Rooming houses and boarding houses.
- M. Schools from kindergarten to grade twelve (12), accredited, excluding trade or commercial schools.
- N. Social care facilities.
- O. Tennis courts or play courts, public or private, lighted. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 43.07 Accessory Uses and Structures Permitted**

The following accessory uses are permitted in the R-3 zone, provided that such uses are established on the same lot or parcel of land as the principal dwelling unit(s) and that such accessory uses are incidental to, and do not substantially alter the character of any permitted principal use.

**A. Animal keeping, subject to the following provisions:**

1. Dogs and cats, provided that not more than two (2) dogs and two (2) cats over the age of four (4) months may be kept for each dwelling unit.
2. Other domestic creatures which are neither farm animals, exotic or wild animals, such as domestic mice and rats, hamsters, guinea pigs, turtles, tropical fish, canaries, birds of psittacine family, and other similar animals commonly sold in pet stores and kept as household pets provided that such animals are not maintained for commercial purposes, do not constitute a nuisance, and are adequately provided with food, care and sanitary facilities.

**B. Incidental uses**

1. Garage sales conducted in accordance with Section 91.07.
2. Day care facility, small family, in accordance with the applicable state and county requirements.
3. Residential care facility, in accordance with the applicable state and county requirements.

## **CHAPTER 4 ARTICLE 43**

### **MULTIPLE RESIDENTIAL (ZONE R-3)**

#### **C. Accessory structures**

The following accessory structures are permitted in the R-3 zone, provided that requirements for building setbacks, height, and other development standards are adhered to pursuant to Section 82.02.

1. Private garage and carports.
2. Accessory structures typically associated with multi-family residential uses and intended for the use of residents only, including but not limited to children's playgrounds, swimming pools, playfields (excluding lighted playfields), laundry facilities, storage lockers, club rooms, recreation rooms and day care facilities.
3. Tool houses, storage sheds and greenhouses.
4. Accessory signs, as permitted in Article 88.
5. Vertical antennae and satellite dishes as permitted in Sections 95.02 and 95.03.
6. Information kiosks, pursuant to Section 88.05.F.

#### **D. Areas designated for the temporary storage and sorting of recyclable materials, in accordance with Section 85.03.**

#### **Section 43.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the R-3 zone, pursuant to Section 24.12.



**CHAPTER 4 ARTICLE 43  
MULTIPLE RESIDENTIAL (ZONE R-3)**

**Section 43.09 Standards of Development**

Premises in Zone R-3 shall be subject to the development standards contained in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land in Zone R-3 shall have a minimum lot area of not less than the following. For purposes of calculating the permitted number of dwelling units per lot, rounding up shall not be allowed.

1. Each lot or parcel of land in R-3 Zone created after the effective date of this ordinance shall have a minimum lot area of twenty thousand (20,000) square feet, except as approved with a Conditional Use Permit in conjunction with a manufactured home subdivision.
2. Notwithstanding the minimum lot area requirement, a multiple family residential development shall have a minimum net lot area of two thousand five hundred (2,500) square feet per dwelling unit, except that nothing in this Section shall be interpreted to allow a dwelling unit density in excess of that permitted by the underlying General Plan land use designation.
3. For manufactured home subdivisions, the minimum lot area for each manufactured home lot shall be no less than two thousand two hundred (2,200) square feet, except that nothing in this Section shall be interpreted to allow a dwelling unit density in excess of that permitted by the underlying General Plan land use designation.
4. For manufactured home parks and subdivisions, the minimum lot area shall be five (5) acres.

**CHAPTER 4 ARTICLE 43**  
**MULTIPLE RESIDENTIAL (ZONE R-3)**

5. A number following the zoning symbol may modify the minimum lot size requirement, pursuant to Section 13.02.B.

**B. Project area width**

A minimum lot/project area width of one hundred (100) feet shall be required within Zone R-3.

**C. Building setbacks**

Except as otherwise required by Article 83, setbacks in Zone R-3 shall be provided as follows.

1. **Front building setback.**

The front yard building setback for structures in Zone R-3 shall be not less than twenty (20) feet.

2. **Side building setback**

- a. The street side building setback for a principal structure in Zone R-3 shall be not less than twenty (20) feet.

- b. The interior side building setback for a principal structure in Zone R-3 shall be not less than five (5) feet for each story.

3. **Rear building setback**

The rear building setback for principal structures in Zone R-3 shall be not less than fifteen (15) feet.

**CHAPTER 4 ARTICLE 43**  
**MULTIPLE RESIDENTIAL (ZONE R-3)**

**D. Building height and coverage**

**1. Building height**

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet. The maximum height of accessory structures shall not exceed one (1) story or seventeen (17) feet.

**2. Maximum lot coverage**

Maximum lot coverage within the R-3 Zone shall not exceed fifty (50) percent. For the purpose of this section, building lot coverage shall include principal structure(s) and all accessory structures which exceed 3.5 feet in height. The figure shall not include below ground pools, spas, walls, fences, parking lots and access drives.

**3. Setbacks for accessory structures**

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

**E. Off-street parking**

Each lot or parcel of land in Zone R-3 shall have off-street parking facilities as prescribed in Article 87 (Off-Street Parking).

**F. Multiple family dwelling size standards**

The following minimum dwelling areas are computed by calculating the living areas as measured from the outside walls and excluding garages, carports, exterior courtyards, patios and balconies, except as otherwise approved in conjunction with a housing project for low income households or seniors.

**CHAPTER 4 ARTICLE 43**  
**MULTIPLE RESIDENTIAL (ZONE R-3)**

Livable Area in Square Feet	Bedrooms Maximum Number	Baths Minimum Number
500	Bachelor	1
600	1	1
800	2	1
1,000	3	2
1,200 and over	3 or more	2

**G. Multiple family housing standards**

All multiple family housing proposed within Zone R-3 shall conform to the standards provided in Section 42.09.G.2.







CHAPTER 5  
COMMERCIAL ZONES

ARTICLE 50 COMMERCIAL ZONES

Section 50.01 Designation of Commercial Zones

As used in this Ordinance, commercial zones means Zones:

- C-1 (Light Commercial)
- C-2 (Office Professional)
- C-3 (General Commercial)
- C-4 (Commercial Center)
- C-5 (Service Commercial)

Section 50.02 Intent and Purpose

The commercial zones are established to provide areas in which business may be conducted, goods sold and distributed, and services rendered, along with other activities which are ancillary to and supportive of the primary commercial activities. The following commercial zones are intended to fulfill the need for shopping areas which range in size and composition from neighborhood stores to regional shopping centers. The standards of development are designed to assure quality of design and compatibility with adjacent uses.





**ARTICLE 51 LIGHT COMMERCIAL (ZONE C-1)**

**Section 51.01 Intent and Purpose**

The Light Commercial (C-1) Zone is established to create, preserve and enhance areas for convenience shopping, where residents can purchase daily or frequently used necessities, household goods and personal services in relative proximity to their neighborhood. Commercial establishments in this zone include food stores, drugstores, small specialty stores, and personal services. Some professional and government offices may be appropriate where these uses would either serve the surrounding residential neighborhood or would generate a limited amount of traffic. The Neighborhood Commercial Zone should be located and designed so as to be compatible with adjacent residential neighborhoods.

**Section 51.02 Locational Criteria**

The C-1 zone designation is appropriately located based upon the following criteria.

- A. The area consists or will consist of a compact group of stores or offices which will generally be located on fifteen (15) or less acres and will provide convenience goods and services to meet the short term needs of households in nearby neighborhoods.
- B. The area is located on an arterial street at the periphery of a neighborhood or at an intersection which carries substantial neighborhood traffic.
- C. The area can physically accommodate shopping and service facilities and all required parking, loading, circulation and landscape requirements; is suitable for the concentration of large numbers of persons; and is supported by adequate infrastructure.

**CHAPTER 5 ARTICLE 51**  
**LIGHT COMMERCIAL (ZONE C-1)**

- D. New designations of Light Commercial zoned districts should be located at least one half (1/2) mile from any other shopping area or commercial designation.
- E. The location shall be consistent with the General Plan commercial siting criteria and other applicable policies, and the land use designation of NC (Neighborhood Commercial).

**Section 51.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the C-1 Zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 51.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the C-1 Zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Special events pursuant to Section 27.03.A.

**CHAPTER 5 ARTICLE 51  
LIGHT COMMERCIAL (ZONE C-1)**

- B. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- C. Temporary uses pursuant to Section 27.03.B.1 through 27.03.B.4.

**Section 51.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the C-1 Zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Retail sale of goods generally characterized by relatively short-term utility or consumption, including the following:
  - 1. Automotive parts (new retail only).
  - 2. Bakeries, including baking only when incidental to retail sales from the premises.
  - 3. Bicycles, parts and accessories.
  - 4. Book stores.
  - 5. Confectionery and candy stores.
  - 6. Cosmetics and accessories.
  - 7. Drug stores and pharmacies.
  - 8. Florist shops.
  - 9. Grocery stores, food, meat and produce markets, excluding convenience stores.
  - 10. Gift shops.
  - 11. Hardware stores.
  - 12. Hobby, yarn and craft shops.
  - 13. Jewelry stores.
  - 14. News stands.
  - 15. Pet shops and supplies.

**CHAPTER 5 ARTICLE 51**  
**LIGHT COMMERCIAL (ZONE C-1)**

16. Photographic equipment, processing and supply stores.
17. Specialty clothing shops.
18. Stationary stores.
19. Variety stores.
20. Video rental and sales.

B. Provision of services which are typically needed frequently and which primarily serve the needs of individuals and households rather than businesses:

1. Food services, including:
  - a. Coffee shops.
  - b. Delicatessens and sandwich shops.
  - c. Doughnut shops.
  - d. Fast food restaurants (excluding drive-through windows).
  - e. Ice cream and yogurt shops.
  - f. Restaurants, bona-fide
2. Personal and repair services, including:
  - a. Apparel repair, alterations and tailoring.
  - b. Barber and beauty shops.
  - c. Bicycle repair.
  - d. Dry cleaners and launderers serving the general public (not businesses).
  - e. Furniture repair and upholstery.
  - f. Laundries, self-service.
  - g. Locksmith.
  - h. Mail and photocopy services.
  - i. Pet grooming
  - j. Photographic studios and processors.
  - k. Radio, television and stereo repair.
  - l. Repair and service of any article whose sale is permitted in this zone.



**CHAPTER 5 ARTICLE 51  
LIGHT COMMERCIAL (ZONE C-1)**

- m. Shoe repair.
  - n. Small appliance repair.
  - o. Studios for performing arts and martial arts.
  - p. Suntan parlors.
  - q. Travel agencies.
  - r. Watch, clock and jewelry repair.
3. Financial and real estate services, including:
- a. Banks, savings and loan institutions, and credit unions offering a full range of financial services and accredited by applicable agencies; branch offices of a scale compatible with surrounding neighborhoods (drive-through facilities subject to Section 92.01).
  - b. Escrow companies.
  - c. Holding and investment services.
  - d. Insurance offices
  - e. Mortgage services.
  - f. Notary public.
  - g. Real estate offices.
4. Educational services, including:
- a. Day care facility, commercial, pursuant to Section 92.12. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
  - b. Studios for the performing arts or martial arts.
5. Medical and professional services of a small scale which meet the intent of the C-1 zone, including:
- a. Accountants, tax preparers and financial advisors.
  - b. Chiropractors.
  - c. Dentists.
  - d. Physicians.

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LIGHT COMMERCIAL (ZONE C-1)**

- C. Public, quasi-public and institutional uses of a scale compatible and consistent with the intent of the C-1 zone, including:
1. Branch libraries.
  2. Fire stations.
  3. Post office.
  4. Transit-related facilities such as boarding areas and park-and-ride lots.
  5. Utility facilities, buildings and equipment, excluding sewage pumping stations and treatment plants and major communication facility. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Section 51.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

- A. Premises in Zone C-1 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).
1. Automobile repair, light.
  2. Automobile service stations, pursuant to Section 92.11.
  3. Churches, temples and other places of religious worship or study, pursuant to Section 94.01.
  4. Convenience stores, pursuant to Section 92.09.
  5. Drive through restaurants, pursuant to Section 92.01.
  6. Businesses otherwise permitted in the C-1 zone operating 24 hours a day. (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)

**Section 51.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the C-1 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

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- A. Structures and features associated with pedestrian or customer seating or amenity areas, including but not limited to gazebos, arcades, fountains, seats or benches, outdoor eating areas, trash receptacles, art works or other landscape focal points, pursuant to Section 92.02.
- B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:
  - 1. Recycling containers, pursuant to Section 85.03.
  - 2. Reverse vending machines, pursuant to Section 97.04.
  - 3. Small collection facilities, pursuant to Section 97.05.
  - 4. Trash compactors, pursuant to Section 85.02.
- C. Amusement machines

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-1 zone, except that no amusement machines may be permitted within a convenience store.
- D. Information kiosks, pursuant to Section 88.05.F.
- E. Newspaper dispensing devices, pursuant to Article 12.08.030 of the Municipal Code.
- F. Wire services for money transfer and Automated Teller Machines (ATM's).
- G. Massage, when permitted with the primary business of a barber and beauty shop, a suntan parlor, or physician's medical practice, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)

**CHAPTER 5 ARTICLE 51  
LIGHT COMMERCIAL (ZONE C-1)**

**Section 51.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the C-1 Zone, pursuant to Section 24.12.

**Section 51.09 Standards of Development**

Premises in Zone C-1 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land created in Zone C-1 shall have a minimum lot area of not less than five thousand (5,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

**B. Lot width**

None required except as otherwise provided in Section 81.02 (Lot Width).

**C. Building setbacks**

Except as otherwise required in Article 83, setbacks in Zone C-1 shall be as follows:

**1. Front yard**

As provided in Section 82.01.



**CHAPTER 5 ARTICLE 51  
LIGHT COMMERCIAL (ZONE C-1)**

2. Side Yards

Each lot or parcel of land in Zone C-1 which has a side lot line adjoining property in a residential or agricultural zone shall have a side yard of not less than ten (10) feet in width on the side adjoining such residential or agricultural lot or parcel of land except as otherwise required in Article 83.

3. Rear yard

Each lot or parcel of land in Zone C-1 which has a rear lot line adjoining property in a residential or agricultural zone shall have a rear yard of not less than ten (10) feet in depth.

4. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

D. Building height and coverage

1. Building height

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed two (2) stories or thirty-five (35) feet. The maximum height of accessory structures shall not exceed two (2) stories or thirty-five (35) feet.

2. Maximum lot coverage

No lot or parcel of land in Zone C-1 shall have a lot coverage by buildings or structures in excess of fifty (50) percent of the lot area.

**CHAPTER 5 ARTICLE 51  
LIGHT COMMERCIAL (ZONE C-1)**

3. Maximum floor area ratio

The ratio of total floor area to total lot area shall not exceed .5 (fifty percent).

E. Off-street parking and loading

Each lot or parcel of land in Zone C-1 shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking).

F. Signs

Signs shall comply with the provisions of Article 88.

G. Trash enclosures

An adequate number of trash enclosures shall be provided on site to meet the need of each development, in accordance with Section 85.01.

H. Special development standards

1. Each use in this zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. All display and storage in Zone C-1 shall be located wholly within an enclosed area except for the following:
  - a. Florist shops
3. Fences and walls shall be in conformance with the standards prescribed in Section 82.03.
4. Landscaping and screening shall be in conformance with the standards prescribed in Article 86.

**ARTICLE 52 OFFICE PROFESSIONAL (ZONE C-2)**

**Section 52.01 Intent and Purpose**

The Office Professional (C-2) Zone is established to create, preserve and enhance areas for businesses and professions which provide services primarily from offices and maintain no stock of goods for retail trade. This district provides an opportunity for the grouping of businesses, professions and other services having related and compatible functions, which may serve a local, community or regional market area. The number of customer visits would be less frequent and traffic generation more moderate than for retail commercial uses. This district is also intended to provide a transition or buffer between more intensive retail and service centers and residential land uses or between major arterials and adjacent residential neighborhoods.

**Section 52.02 Locational Criteria**

The C-2 zone designation is appropriately located based upon the following criteria.

- A. The area is substantially occupied or will be occupied by a relatively contiguous grouping of service establishments which conduct their operations in offices. The designation is not intended for "spot" zoning of single uses or parcels.
- B. The area is located on the edge of a more intensive commercial district, along major streets, or between highways and adjacent residential uses.
- C. The area can physically accommodate office facilities and all required parking, loading, circulation and landscape requirements, is suitable for the concentration of large numbers of persons, and is supported by adequate infrastructure.
- D. The location shall be consistent with the General Plan commercial siting criteria and other applicable policies, and the land use designation of OC (Office Commercial). In some cases, the C-2 zone may be found consistent with the BP

**CHAPTER 5 ARTICLE 52**  
**OFFICE PROFESSIONAL (ZONE C-2)**

(Business Park) designation, provided that comprehensive planning has been approved in accordance with the General Plan policies for the BP designation.

**Section 52.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the C-2 zone without zoning clearance or other planning approval, except as required by State law:

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, amended by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 52.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the C-2 zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Trailer coaches, motor homes or manufactured homes on active construction sites for security personnel, subject to approval of a Temporary Use Permit pursuant to Section 27.03.B.3.



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**OFFICE PROFESSIONAL (ZONE C-2)**

- B. Temporary office modules on active construction sites, subject to approval of a Temporary Use Permit pursuant to Section 27.03.B.4.
- C. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- D. Special events, subject to approval of a Special Event Permit pursuant to Section 27.03.A.2.

**Section 52.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the C-2 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Services provided to individuals or businesses of a professional or administrative nature, which may include both smaller branch offices serving the local population or larger offices serving a regional or national market area:
  - 1. Professional services, including:
    - a. Accounting, auditing and bookkeeping services.
    - b. Attorneys and legal services.
    - c. Counseling (marriage and family).
    - d. Engineering, architectural and planning services.
    - e. Medical and dental laboratories.
    - f. Medical services, outpatient, including urgent care centers.
    - g. Physicians, surgeons, chiropractors, osteopathic physicians, dentists, oral surgeons, orthodontists, and other medical specialists.
    - h. Prescription pharmacy and optical services.

**CHAPTER 5 ARTICLE 52**  
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- i. Veterinarians (small animals), pursuant to Section 92.04.
- 2. Business services, including:
  - a. Advertising.
  - b. Blueprinting and photocopy.
  - c. Business and management.
  - d. Collection agencies.
  - e. Consulting.
  - f. Design and decorator business primarily serving business customers rather than individuals.
  - g. Detective and protective services.
  - h. Employment agencies.
  - i. Graphic design services.
  - j. Mailing and parcel delivery.
  - k. Message service.
  - l. Stenographic, secretarial, and clerical.
  - m. Tele-commuting, tele-conference, and video-conference facilities.
  - n. Telephone exchanges and answering services.
  - o. Telephone marketing service and solicitation.
  - p. Typesetting and printing.
- 3. Financial and real estate services, including:
  - a. Banks, savings and loans, and credit unions offering a full range of financial services and accredited by appropriate agencies (drive-through facilities subject to Section 92.01).
  - b. Commodity services.
  - c. Holding and investment services.
  - d. Insurance carriers, agents and brokers.
  - e. Notary public.
  - f. Real estate agents and brokers.
  - g. Real estate developers and builders (office only).
  - h. Title abstracting.

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4. Repair and maintenance services, including:
  - a. Business equipment repair and servicing.
  - b. Computer and electronics repair.
  - c. Janitorial and cleaning services.
  - d. Photographic equipment repair.
5. Food services, including:
  - a. Catering services.
  - b. Coffee shops.
  - c. Delicatessens and sandwich shops.
  - d. Doughnut shops.
  - e. Fast food restaurants (excluding drive-through windows).
  - f. Ice cream and yogurt shops.
  - g. Restaurants, bona-fide
6. Personal services, including:
  - a. Apparel repair, alterations and tailoring.
  - b. Barber and beauty shops.
  - c. Dry cleaners and launderers.
  - d. Locksmith.
  - e. Shoe repair and shoe shine.
  - f. Travel agencies.
  - g. Watch, clock and jewelry repair.
  - e. Massage services and massage establishments, when conducted pursuant to Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)
7. Educational services, including:
  - a. Business and secretarial schools and colleges.

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- b. Day care facility, commercial, pursuant to Section 92.12. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
  - c. Trade, technical and vocational schools (excluding truck driving schools).
  - d. Traffic schools.
- 8. Miscellaneous services, including:
  - a. Administrative offices.
    - b. Adoption agencies.
    - c. Business association offices.
    - d. Employment agencies.
    - e. Meeting facilities.
    - f. Parking lots and structures, commercial off-site, pursuant to Section 87.05.
    - g. Professional membership organizations.
- B. Retail sales of items intended to serve the office and professional users primarily intended for the C-2 zone, provided that this zone is not intended to be developed as a retail center and retail uses should not be the predominant use in the zone:
  - 1. Art, drafting and graphics supplies.
  - 2. Books.
  - 3. Computers and accessories, sales and service.
  - 4. Florist shops.
  - 5. Gift shops.
  - 6. News stands.
  - 7. Office furniture and equipment.
  - 8. Pharmacies.
  - 9. Photographic equipment and supplies.
  - 10. Stationery and office supplies.



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**OFFICE PROFESSIONAL (ZONE C-2)**

- C. Public, quasi-public and institutional uses of a scale compatible and consistent with the intent of the C-2 zone, including:
1. Court facilities.
  2. Fire stations.
  3. Government administrative offices (office use only).
  4. Libraries.
  5. Museums.
  6. Parking lots
  7. Parks, and open space (excluding lighted playfields).
  8. Post office.
  9. Transit-related facilities such as boarding areas and park-and-ride lots.
  10. Utility facilities, buildings and equipment, excluding sewage pumping stations and treatment plants and major communication facility. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Section 52.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

- A. Premises in Zone C-2 may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of Article 22 (Conditional Use Permits).
1. Automobile repair, light.
  2. Automobile rental and leasing.
  3. Automobile service stations, pursuant to Section 92.11.
  4. Bars and cocktail lounges, pursuant to Section 92.07.
  5. Businesses otherwise permitted in the C-2 zone operating 24 hours a day. (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)
  6. Civic, social, service and labor organizations.
  7. Colleges and universities.
  8. Convenience stores, pursuant to Section 92.09.
  9. Convalescent care facilities.
  10. Churches, temples, and other places of religious worship or study, pursuant to Section 94.01.

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**OFFICE PROFESSIONAL (ZONE C-2)**

11. Gas stations.
12. Health clubs, fitness centers and gymnasiums.
13. Helistops.
14. Hospitals.
15. Hotels and motels.
16. Mortuaries (excluding crematorium facilities).
17. Social care facilities.

**Section 52.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the C-2 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- A. Structures and features associated with pedestrian seating or amenity areas, including but not limited to gazebos, arcades, fountains, seats or benches, trash receptacles, art works or other landscape focal points, and kiosks providing directions or public information, in accordance with Section 92.02.
- B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:
  1. Recycling containers, pursuant to Section 85.03.
  2. Small collection facilities, pursuant to Section 97.05.
  3. Trash compactors, pursuant to Section 85.02.

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C. Amusement machines

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-2 zone, except that no amusement machines may be permitted within a convenience store.

D. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.

E. Wire services for money transfer and Automated Teller Machines (ATM's).

F. Health facilities, mobile.

G. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.

H. Information kiosks, pursuant to Section 88.05.F.

I. Massage, when permitted with the primary business of a health club, fitness center and gymnasium, a hotel with over one hundred (100) rooms, a barber and beauty shop, or physician's, surgeon's, chiropractor's, osteopath's, or physical therapist's medical practice, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code.

J. Corporate Massage, when permitted with a primary commercial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code.

**CHAPTER 5 ARTICLE 52**  
**OFFICE PROFESSIONAL (ZONE C-2)**

**Section 52.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the C-2 zone, pursuant to Section 24.12.

**Section 52.09 Standards of Development**

Premises in Zone C-2 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land created in Zone C-2 shall have a minimum lot area of not less than twenty thousand (20,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

**B. Lot width**

None required except as otherwise provided in Section 81.02 (Lot Width).

**C. Building setbacks**

Except as otherwise required in Article 83, setbacks in Zone C-2 shall be as follows:

**1. Front yard**

As provided in Section 82.01



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OFFICE PROFESSIONAL (ZONE C-2)**

2. Side yards

Each lot or parcel of land in Zone C-2 which has a side lot line adjoining property in a residential or agricultural zone shall have a side yard of not less than ten (10) feet in width on the side adjoining such residential or agricultural lot or parcel of land except as otherwise required in Article 83.

3. Rear yard

Each lot or parcel of land in Zone C-2 which has a rear lot line adjoining property in a residential or agricultural zone shall have a rear yard of not less than ten (10) feet in depth except as otherwise required in Article 83.

4. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

D. Building height and coverage

1. Building height

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet. The maximum height of accessory structures shall not exceed one story or seventeen (17) feet.

2. Maximum lot coverage

No lot or parcel of land in Zone C-2 shall have a lot coverage by buildings or structures in excess of eighty (80) percent of the lot area.

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3. Maximum floor area ratio

The ratio of total floor area to total lot area shall not exceed 1.0 (one hundred percent).

E. Off-street parking and loading

Each lot or parcel of land in Zone C-2 shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking and Loading).

F. Signs

Signs shall comply with the provisions of Article 88.

G. Trash enclosures

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, in accordance with Section 85.01.

H. Special development standards

1. Each use in this zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. All display and storage in Zone C-2 shall be located wholly within an enclosed building except for the following:
  - a. Florist shops
3. Fences and walls shall be in conformance with the standards prescribed in Section 82.03.
4. Landscaping and screening shall be in conformance with the standards prescribed in Article 86.

**ARTICLE 53 GENERAL COMMERCIAL (ZONE C-3)**

**Section 53.01 Intent and Purpose**

The General Commercial (C-3) Zone is established to create, preserve and enhance areas for businesses which provide a wide variety of goods and services serving a community-wide market area. The zone provides for the grouping of retail and service uses that are compatible with respect to the type of commodity sold or services offered, operational requirements, market area and land use intensity. The zone is appropriate for major retail outlets as well as community shopping centers. Smaller businesses which may benefit from the customer drawing power of the larger stores and which provide specialty goods and services may also be located in this zone. The creation of a pleasant and efficient environment for general retail shopping and business is a primary function of this zone.

**Section 53.02 Locational Criteria**

The C-3 zone designation is appropriately applied based upon the following criteria.

- A. The area is occupied or will be occupied by stores and businesses which provide retail sales and services for a wide range of consumer needs, characterized by relatively long-term utility.
- B. The area is located either at the intersection of major streets or along major streets and highways.
- C. The area is environmentally and topographically suited to large-scale commercial development, with slopes of under ten (10) percent, no safety constraint to accommodating large numbers of persons, adequate area to sustain all accessory uses and development requirements, and infrastructure of adequate capacity to support the permitted uses.

**CHAPTER 5 ARTICLE 53**  
**GENERAL COMMERCIAL (ZONE C-3)**

- D. The area is typically at least five (5) to twenty (20) acres in size to facilitate general commercial development; however, aggregations of general commercial uses may result in designations encompassing larger areas.
- E. New designations of C-3 zoned districts should be located at least one (1) mile from any other shopping area or commercial designation.
- F. The location shall be consistent with the General Plan commercial siting criteria and other applicable policies, and the land use designation of CC (Community Commercial).

**Section 53.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the C-3 zone without zoning clearance or other planning approval, except as required by state law.

- A. Field, tree, bush, berry and row crops, including nursery stock as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding and hiking trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.



**Section 53.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the C-3 zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Special Events, pursuant to Section 27.03.A.
- B. Minor telecommunication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- C. Temporary Uses as contained in Section 27.03.B.1 through Section 27.03.B.4.

**Section 53.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the C-3 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Retail sale of goods generally characterized by relatively short-term utility or consumption, including the following:
  - 1. Automotive parts (new retail only).
  - 2. Bakeries, including baking only when incidental to retail sales from the premises.
  - 3. Bicycles, parts and accessories.
  - 4. Book stores.
  - 5. Confectionery and candy stores.
  - 6. Cosmetics and accessories.
  - 7. Drug stores and pharmacies.
  - 8. Florist shops.
  - 9. Gift shops.

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**GENERAL COMMERCIAL (ZONE C-3)**

10. Grocery stores, food, meat and produce markets, excluding convenience stores.
11. Hardware stores.
12. Hobby, yarn and craft shops.
13. Jewelry stores.
14. News stands.
15. Pet shops and supplies.
16. Photographic equipment, processing and supply stores.
17. Specialty clothing shops.
18. Stationary stores.
19. Variety stores.
20. Video rental and sales.

**B. Retail sale of goods generally characterized by relatively long-term utility or consumption, including:**

1. Antique stores.
2. Apparel and clothing accessories.
3. Appliances, household.
4. Art, drafting and graphics supplies.
5. Auction sales, excluding livestock, within an enclosed building.
6. Boats and other marine products and accessories.
7. Carpeting, tile and floor coverings.
8. Caskets and other funeral supplies.
9. Commercial nursery, retail.
10. Computers and accessories, sales and service.
11. Consignment shops.
12. Dishes, china, glassware, and metalware.
13. Draperies, blinds, shades and other window coverings.
14. Dry goods and notions.
15. Department stores and general merchandise stores.
- 15a. Firearms and related accessories, sales and service. (*Zoning Ordinance Amendment 95-2 adopted by City Council October 11, 1995.*)
16. Fur and leather goods.

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**GENERAL COMMERCIAL (ZONE C-3)**

17. Furniture.
18. Galleries for display and sale of paintings, sculpture, pottery and other works of art.
19. Home improvement centers.
20. Jewelry, precious metals, coins, stamps and other collectibles.
21. Lawn and garden equipment and supplies.
22. Mail order businesses (excluding warehousing).
23. Motorcycles and off-road recreational vehicles, new.
24. Musical instruments and supplies.
25. Office furniture and equipment.
26. Paint, varnish and lacquer.
27. Pet shops and supplies.
28. Phonograph records, cassette tapes, compact disks and videotapes.
29. Photographic equipment and supplies.
30. Plumbing and heating equipment and supplies.
31. Prints and frames.
32. Radio, television, stereo and other audiovisual equipment.
33. Recreational vehicles, new.
34. Stationery and office supplies.
35. Swimming pools and spas.
36. Thrift shops operated by non-profit organizations.
37. Toys, sport and athletic equipment.
38. Wallpaper, interior decorating supplies and upholstery.

C. Services provided to individuals and businesses, including:

1. Automotive services:
  - a. Automobile rental agencies.
  - b. Automobile repair, light.
  - c. Automobile service stations, pursuant to Section 92.11.
  - d. Automobile washing and detailing.
  - e. Gas stations.
  - f. Recreational vehicle rental.

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2. Food services, including:
  - a. Catering services.
  - b. Delicatessens and sandwich shops.
  - c. Doughnut shops.
  - d. Coffee shops.
  - e. Fast food restaurants (including drive-through windows), pursuant to Section 92.01.
  - f. Ice cream and yogurt shops.
  - g. Restaurant, bona-fide
  - h. Water softener and bottled water service.
3. Personal services, including:
  - a. Barber and beauty shops.
  - b. Dry cleaners and launderers.
  - c. Locksmith.
  - d. Mail and photocopy services.
  - e. Massage services and massage establishments, when conducted pursuant to Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)
  - f. Photographic studios and processors.
  - g. Suntan parlors.
  - h. Travel agencies.
  - i. Introductory Services, subject to applicable provisions of the Palmdale Municipal Code. (*Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.*)
4. Repair and maintenance services, including:
  - a. Apparel repair, alterations and tailoring.
  - b. Bicycle repair.
  - c. Business equipment repair and servicing.



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- d. Computer and electronics repair.
  - e. Furniture repair and upholstery.
  - f. Janitorial and cleaning services.
  - g. Photographic equipment repair.
  - h. Radio, television and stereo repair.
  - i. Shoe repair and shoe shine.
  - j. Small appliance repair.
  - k. Watch, clock and jewelry repair.
  - l. Repair and service of any article which is permitted to be sold in Zone C-3 pursuant to an approved Site Plan Review.
5. Financial and real estate services, including:
- a. Banks, savings and loans, and credit unions offering full range of financial services and accredited by appropriate agencies (drive-through facilities subject to Section 92.01).
  - b. Commodity services.
  - c. Escrow companies.
  - d. Holding and investment services.
  - e. Insurance carriers, agents and brokers.
  - f. Mortgage services.
  - g. Notary public.
  - h. Real estate agents and brokers.
  - i. Real estate developers and builders (office only).
  - j. Title abstracting.
6. Professional services, including:
- a. Accounting, auditing and bookkeeping services.
  - b. Attorneys and legal services.
  - c. Counseling (marriage and family).
  - d. Engineering, architectural and planning services.
  - e. Interior decorating.
  - f. Medical and dental laboratories.
  - g. Medical services, outpatient, including urgent care centers.

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- h. Physicians, surgeons, chiropractors, osteopathic physicians, dentists, oral surgeons, orthodontists, and other medical specialists.
  - i. Prescription pharmacy and optical services.
  - j. Veterinarians (small animals).
- 7. Business services, including:
  - a. Advertisement, business and management.
  - b. Blueprinting and photocopy.
  - c. Collection agencies.
  - d. Computer systems design
  - e. Consulting.
  - f. Detective and protective services.
  - g. Design and decorator business primarily serving business customers rather than individuals.
  - h. Employment agencies.
  - i. Graphic design services.
  - j. Mailing and parcel post.
  - k. Message service.
  - l. Repossession service.
  - m. Sign painting and lettering.
  - n. Stenographic, secretarial, and clerical.
  - o. Taxpreparers.
  - p. Tele-commuting, tele-conference, and video-conference facilities.
  - q. Telephone exchanges and answering services.
  - r. Telephone marketing and solicitation.
  - s. Typesetting and printing.
- 8. Educational services, including:
  - a. Business and secretarial schools and colleges.
  - b. Day care facility, commercial, pursuant to Section 92.12. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)

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- c. Studios for the performing arts or martial arts.
  - d. Trade, technical and vocational schools (excluding truck driving schools).
  - e. Traffic schools.
9. Miscellaneous services, including:
- a. Administrative offices.
  - b. Adoption agencies.
  - c. Business association offices.
  - d. Equipment rental (excluding construction equipment and conducted indoors).
  - e. Meeting facilities.
  - f. Parking lots and structures, commercial off-site, pursuant to Section 87.05.
  - g. Personal storage facilities (mini-warehouses).
  - h. Pet grooming.
  - i. Photo finishing.
  - j. Professional membership organizations.
  - k. Recording studios.
  - l. Security systems.
  - m. Tourist information centers.
- D. Public, quasi-public and institutional uses of a scale compatible and consistent with the intent of the C-3 zone, including:
- 1. Court facilities.
  - 2. Fire stations.
  - 3. Government administrative offices (office use only).
  - 4. Libraries.
  - 5. Museums.
  - 6. Parking lots.
  - 7. Parks, playgrounds, and open space (excluding lighted playfields).
  - 8. Post office.

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9. Recreational centers, including senior centers (indoor operations and facilities only).
10. Transit-related facilities such as boarding areas and park-and-ride lots.
11. Utility facilities, buildings and equipment, excluding sewage pumping stations and treatment plants and major communication facility. (*Zoning Ordinance 97-3, adopted by City Council September 10, 1997.*)

**Section 53.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone C-3 may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of Chapter 1, Article 18 (Conditional Use Permits).

**A. Retail sale of goods:**

1. Convenience stores, pursuant to Section 92.09.
2. Farmer's market, swap meet, flea market or similar use, indoor or outdoor.
3. Liquor stores, pursuant to Section 92.07.
4. Mobile home sales office.

**B. Provision of services to individuals and business, including:**

1. Ambulance service.
2. Automobile repair, general.
3. Bail bond sales.
4. Bars and cocktail lounges, pursuant to Section 92.07.
5. Civic, social and fraternal organizations.
6. Diaper services and similar large-scale laundry or dry cleaning facilities which serve other businesses.
7. Financial services, other than permitted by Section 53.05.C.5., offering check cashing, money orders, and similar services.
8. Funeral parlors and mortuaries, including crematoriums.



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9. Health clubs, fitness centers and gymnasiums.
10. Helistops.
11. Hotels and motels.
12. Hypnotists.
13. Pawn shops.
14. Taxidermy.
15. Veterinary clinics and hospitals, large and small animal, pursuant to Sections 92.04 and 92.05.
16. Wedding chapels.
17. Repair and servicing of any article which is permitted to be sold in Zone C-3 pursuant to an approved Conditional Use Permit.

C. Entertainment establishments, including:

1. Amusement arcades.
2. Amusement facilities, outdoor, including water slides, miniature golf, go cart tracks, and other similar or appurtenant uses.
3. Amusement parks.
4. Billiard and pool halls.
5. Bingo (as a primary use)
6. Bowling alleys
7. Dance halls.
8. Entertainment uses utilizing parking lot locations, such as street hockey, remote control vehicle racing, etc., subject to Section 87.06.
9. Family entertainment centers.
10. Nightclubs, pursuant to Section 92.08.
11. Skating rinks, ice or roller.
12. Theaters, live performance.
13. Theaters, motion picture, including drive-in.

D. Public, quasi-public and institutional uses, including:

1. Amphitheaters, outdoor.

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2. Churches, temples, and other places of religious worship and study, pursuant to Section 94.01.
3. Conference and convention centers.
4. Convalescent care facilities.
5. Government administrative facilities requiring outdoor storage and/or operations such as fleet maintenance, helipads, materials or equipment storage and maintenance.
6. Hospitals.
7. Lighted public recreational facilities and fields.
8. Major communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
9. Radio or television broadcast studios pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
10. Social care facilities, including transitional housing and emergency shelters.
11. Sports arena, stadium or complex.

**Section 53.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the C-3 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

**A. Amusement machines**

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-3 zone, except that no amusement machines may be permitted within a convenience store.

**B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:**

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1. Recycling containers, pursuant to Section 85.03.
  2. Reverse vending machines, pursuant to Section 97.04.
  3. Small collection facilities, pursuant to Section 97.05.
  4. Trash compactors, pursuant to Section 85.02.
- C. Caretaker's residence, where legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
- D. Health facilities, mobile.
- E. Information kiosks, pursuant to Section 88.05.F.
- F. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- G. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.
- H. Signs, as permitted by Article 88.
- I. Structures and features associated with pedestrian or customer seating or amenity areas, including but not limited to gazebos, arcades, fountains, seats or benches, outdoor eating areas, trash receptacles, art works or other landscape focal points, pursuant to Section 92.02.
- J. Wire services for money transfer and Automated Teller Machines (ATM's).

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- K. Massage, when permitted with the primary business of a health club, fitness center and gymnasium, a hotel with over one hundred (100) rooms, a barber or beauty shop, a suntan parlor, or physician's, surgeon's, chiropractor's, osteopath's, or physical therapist's medical practice, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code.
- L. Corporate Massage, when permitted with a primary commercial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code.

**Section 53.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the C-3 zone, pursuant to Section 24.12.

**Section 53.09 Standards of Development**

Premises in Zone C-3 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land created in Zone C-3 shall have a minimum lot area of not less than five thousand (5,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

**B. Lot width**

None required except as otherwise provided in Article 81 (Lot Width).



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**C. Building setbacks**

Except as otherwise required in Article 83, setbacks in Zone C-3 shall be as follows:

**1. Front yard**

As provided in Section 82.01

**2. Side yards**

Each lot or parcel of land in Zone C-3 which has a side lot line adjoining property in a residential or agricultural zone shall have a side yard of not less than ten (10) feet in width on the side adjoining such residential or agricultural lot or parcel of land except as otherwise provided in Article 83.

**3. Rear yard**

Each lot or parcel of land in Zone C-3 which has a rear lot line adjoining property in a residential or agricultural zone shall have a rear yard of not less than ten (10) feet in depth except as otherwise provided in Article 83.

**4. Setbacks for accessory structures**

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

**D. Building height and coverage**

**1. Building height**

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet.

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The maximum height of accessory structures shall not exceed one story or seventeen (17) feet.

**2. Maximum lot coverage**

No lot or parcel of land in Zone C-3 shall have a lot coverage by buildings or structures in excess of ninety (90) percent of the lot area.

**3. Maximum floor area ratio**

The ratio of total floor area to total lot area shall not exceed 1.0 (one hundred percent).

**E. Off-street parking and loading**

Each lot or parcel of land in Zone C-3 shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking).

**F. Signs**

Signs shall comply with the provisions of Article 88.

**G. Trash enclosures**

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, in accordance with Section 85.01.

**H. Special development standards**

1. Each use in this zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. All display and storage in Zone C-3 shall be located wholly within an enclosed area except for the following, provided that all outdoor display

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areas are paved, landscaped, and lighted in accordance with an approved development plan:

- a. Automobile service stations, but excluding outside display of other than automobile tires, batteries and similar equipment and accessories or petroleum products.
  - b. Boat sales.
  - c. Florist shops
  - d. Parking lots
  - e. Recreational vehicle sales.
3. All auto repair work shall be conducted within an enclosed building only.
  4. Delivery hours may be limited by the Planning Commission pursuant to an approved Conditional Use Permit.
  5. Fences and walls shall be in conformance with the standards prescribed in Section 82.03.
  6. Landscaping and screening shall be in conformance with the standards prescribed in Article 86.





**ARTICLE 54 COMMERCIAL CENTER (ZONE C-4)**

**Section 54.01 Intent and Purpose**

The Commercial Center (C-4) Zone is intended to create and preserve certain commercial areas for development as regional retail centers. Typical uses in this zone would include a regional mall, major retail outlets, office complexes, hotels and convention facilities, entertainment centers, and supportive commercial and service uses. The intended market area for goods and services provided in this zone would include the Antelope Valley region as well as users from outside the area. The zone is intended for large-scale commercial uses which are developed pursuant to a comprehensive plan. Although smaller businesses such as auto-related and food service uses are permitted in conjunction with larger developments in this zone, the intent is to achieve unified and cohesive commercial centers rather than allowing piecemeal development or land subdivisions which could preclude future attraction of major users.

**Section 54.02 Locational Criteria**

The C-4 zone designation is appropriately located based upon the following criteria.

- A. The area is occupied or will be occupied by stores and businesses which provide retail sales and services for a wide range of consumer needs, characterized by relatively long-term utility, and a regional service area.
- B. The area is located at the intersection of major arterials or highways and is easily accessible to users throughout the region.
- C. The area is relatively flat, free from environmental constraints and public safety hazards, has physical conditions which can sustain large-scale commercial development, and has adequate infrastructure to support the proposed intensity of uses.

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- D. The area contains adequate area to accommodate regional commercial uses (typically forty (40) or more acres within the zone designation).
- E. The location shall be consistent with the General Plan commercial siting criteria and other applicable policies, and the land use designation of RC (Regional Commercial).

**Section 54.03 Special Development Requirements**

- A. In order to meet the intent and purpose of the C-4 zone as stated in Section 54.01, provisions should be made in the planning process for integrated development plans which coordinate the efforts of multiple property owners and discourage piecemeal development. Master planning of the C-4 zoned property is required to avoid development in a manner which would prevent or preclude future development of surrounding land in accordance with General Plan policies for Regional Commercial development. Therefore, development in the C-4 zone shall be processed in accordance with a master plan, which may take one of the following forms:
  - 1. A Specific Plan or a Planned Development, pursuant to Chapter 2, Section 28.04 or Section 28.05.
  - 2. A comprehensive Conditional Use Permit, pursuant to Chapter 2, Article 22.
  - 3. An area plan or other comprehensive development program determined by the Planning Director to meet the intent of the C-4 zone district.
- B. Regardless of the procedure by which a master plan for development is processed in the C-4 zone, such a plan shall address the following considerations:

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1. The area of the master plan should be based on logical planning boundaries and site conditions, rather than limited by individual parcel lines.
  2. The master plan should consider shared access, reciprocal parking, shared open space and amenity areas, the relationship of buildings to each other on adjacent parcels, and other design features to optimize use of the entire planning area as a functional unit.
  3. At a minimum the master plan should address conceptual building locations, heights and footprints; overall circulation, ingress and egress; parking layout; conceptual grading and drainage; and areas for common use.
  4. A statement of intent regarding building design and/or conceptual elevations should be provided to indicate architectural style, product types, form and materials.
  5. For larger projects, design guidelines should be developed to guide future individual building developers and maintain the integrity of the master plan concept.
- C. Future development within the area of a master plan may vary from the provisions of the plan, provided that the proposed project is compatible with the overall plan concept or develops an acceptable alternative master plan.

**Section 54.04 Uses Permitted Without Planning Approval**

The following uses are allowed in the C-4 zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*

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- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 54.05 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the C-4 zone in conjunction with an approved Master Plan and subject to the provisions of the Zoning Ordinance as specified in this Section pursuant to Section 54.03.

- A. Special Events pursuant to Section 27.03.A.
- B. Temporary Uses pursuant to Section 27.03.B.1 through 27.03.B.4.

The following uses are permitted in the C-4 zone without an approved Master Plan.  
*(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

- A. Minor communication facility pursuant to Section 95.04.

**Section 54.06 Uses Permitted Subject to Site Plan Review Approval**

In conjunction with an approved Master Plan pursuant to Section 54.03, the following uses are permitted in the C-4 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 1, Section 26.03.



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**COMMERCIAL CENTER (ZONE C-4)**

- A. Retail sale of goods generally characterized by relatively long-term utility or consumption, including:
1. Apparel and clothing accessories.
  2. Appliances, household.
  3. Art, drafting and graphic supplies.
  4. Books.
  5. Candy and confectionery.
  6. Coffee and tea, specialty stores.
  7. Computers and accessories.
  8. Cosmetics and accessories.
  9. Department stores and general merchandise stores.
  10. Dishes, china, glassware, metalware.
  11. Dry goods and notions.
  12. Florist.
  13. Fur and leather goods.
  14. Furniture.
  15. Galleries for display and sale of paintings, sculpture, pottery and other works of art.
  16. Gifts.
  17. Hobby, yarn and craft supplies.
  18. Jewelry, precious metals, coin, stamps and other collectibles.
  19. Musical instruments and supplies.
  20. News stands.
  21. Pets and supplies, including grooming as an accessory use.
  22. Photographic equipment, processing and supply.
  23. Prints and frames.
  24. Radio, television, stereo and other audiovisual equipment.
  25. Shoes.
  26. Specialty food sales such as health food, packaged gift food, specialty food items, etc.
  27. Sport and athletic equipment.
  28. Stationery and office supplies.
  29. Tobacconists.
  30. Toys.

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**COMMERCIAL CENTER (ZONE C-4)**

- B. Provision of services to individuals and businesses supporting a regional market area, or ancillary to and supportive of the primary regional commercial uses in the C-4 zone:
1. Food services, including:
    - a. Catering services.
    - b. Coffee shops.
    - c. Delicatessens and sandwich shops.
    - d. Doughnut shops and bakeries.
    - e. Fast-food restaurants (including drive through windows), pursuant to Section 92.01.
    - f. Ice cream and yogurt shops.
    - g. Restaurants, bona-fide
  2. Personal and repair services, including:
    - a. Barber and beauty shops.
    - b. Computer and electronics repair.
    - c. Dry cleaners and launderers.
    - d. Locksmith.
    - e. Photographic equipment repair.
    - f. Photographic studios and processors.
    - g. Shoe repair and shoe shine.
    - h. Tailoring and apparel alterations.
    - i. Travel agencies.
    - j. Watch, clock and jewelry repair.
  3. Financial and real estate services, including:
    - a. Banks, savings and loans, and credit unions offering a full range of financial services and accredited by appropriate agencies (drive-through facilities subject to Section 92.01).
    - b. Insurance offices.

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- c. Investment services.
  - d. Real estate sales offices.
- 4. Professional services, including:
  - a. Accounting, auditing and bookkeeping services.
  - b. Attorneys and legal services.
  - c. Engineering, architectural and planning services.
  - d. Medical and dental laboratories.
  - e. Physicians, surgeons, chiropractors, osteopathic physicians, dentists, oral surgeons, orthodontists, and other medical specialists.
  - f. Prescription pharmacy and optical services.
- 5. Business services, including:
  - a. Advertisement, business and management.
  - b. Graphic design.
  - c. Photocopy.
  - d. Printing.
  - e. Stenographic, secretarial, clerical and mailing.
  - f. Tele-commuting, tele-conference, and video-conference facilities.
- 6. Miscellaneous services, including:
  - a. Administrative offices.
  - b. Business and trade association offices.
  - c. Meeting facilities.
  - d. Parking lots and structures, commercial off-site, pursuant to Section 87.05.
  - e. Professional membership organizations.
- C. Public, quasi-public and institutional uses, including:
  - 1. Educational facilities, public.

**CHAPTER 5 ARTICLE 54  
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2. Fire stations.
3. Museums.
4. Parking lots.
5. Sheriff's substations.
6. Transit related facilities.
7. Utility facilities, excluding major communication facility. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Section 54.07 Uses Permitted Subject to Approval of a Conditional Use Permit**

In conjunction with an approved Master Plan pursuant to Section 53.04, premises in Zone C-4 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use permits).

- A. Amusement arcades.
- B. Automobile repair, light or general, as an accessory use to a department store only.
- C. Automobile service stations, pursuant to Section 92.11.
- D. Bars and cocktail lounges, pursuant to Section 92.07.
- E. Car washes.
- F. Conference and convention centers.
- G. Convenience stores, pursuant to Section 92.09.
- H. Family entertainment centers.
- I. Gas stations.
- J. Health clubs, fitness centers and gymnasiums.
- K. Hotels and motels.
- L. Major communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- M. Night clubs, pursuant to Section 92.07.
- N. Theaters, live performance.
- O. Theaters, motion picture.



**Section 54.08 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the C-4 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

A. Amusement machines

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-4 zone.

B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:

1. Recycling containers, pursuant to Section 85.03.
2. Small Collection Facilities, pursuant to Section 97.05.
3. Trash compactors, pursuant to Section 85.02.

C. Child care facilities to serve customers or patrons of the primary use.

D. Health facilities, mobile.

E. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.

F. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.

G. Signs, as permitted by Chapter 8, Article 88.

## **CHAPTER 5 ARTICLE 54 COMMERCIAL CENTER (ZONE C-4)**

- H. Structures and features associated with pedestrian seating or amenity areas, including but not limited to gazebos, arcades, fountains, seats or benches, trash receptacles, art works or other landscape focal points, and kiosks providing directions or public information.
- I. Wire services for money transfer and ATM machines.
- J. Massage, when permitted with the primary business of a health club, fitness center, and gymnasium, a hotel with over one hundred (100) rooms, a barber and beauty shop, or physician's, surgeon's, chiropractor's, osteopath's, or physical therapist's medical practice, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.)*
- K. Corporate Massage, when permitted with a primary commercial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.)*

### **Section 54.09 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the C-4 zone, pursuant to Section 24.12.

### **Section 54.10 Standards of Development**

Development standards in the C-4 zone shall be those established for the C-3 zone, in Section 53.09, except as those standards may be modified by an approved master plan for development pursuant to Section 54.03.

**ARTICLE 55 SERVICE COMMERCIAL ZONE (C-5)**

**Section 55.01 Intent and Purpose**

The Service Commercial (C-5) Zone is established to create, preserve and enhance areas for businesses which serve a regional market with a wide variety of wholesale, distribution and construction-related activities. Commercial retail and service uses which serve businesses or their employees within the C-5 zone and nearby commercial/industrial areas are also permitted in this zone. Uses and operations in the C-5 zone shall be conducted so as to have no detrimental effect on adjacent properties or on the community environment.

**Section 55.02 Locational Criteria**

The C-5 zone designation is appropriately located based upon the following criteria.

- A. The area is or will be occupied by businesses which provide goods and services to a local or regional market area, and which may utilize processes, materials or operations which are not compatible with other commercial zones due to the intensity of use permitted.
- B. The area is located in proximity to industrial or business districts which are served by the commodities and services offered in this zone.
- C. The area has access by arterial streets and is or will be served by adequate infrastructure to support the intensity of development.
- D. The area may provide a transition between intensive commercial uses and heavier industrial zones.

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- E. The area is free of environmental constraints and has physical conditions which can sustain commercial and light industrial development, including all required parking, circulation and landscaping.
- F. The location shall be consistent with the General Plan land use designation of CM (Commercial Manufacturing), and all applicable policies.

**Section 55.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the C-5 zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 55.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the C-5 Zone, subject to the provisions of the Zoning Ordinance as specified in this Section.



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- A. Temporary living quarters, in accordance with Chapter 2, Article 26, Section 27.03.B.3.
- B. Temporary office modules, in accordance with Chapter 2, Article 27, Section 27.03.B.4.
- C. Special events, in accordance with Chapter 2, Article 27, Section 27.03.A.
- D. Stockpiling, in accordance with Section 27.03.B.6.
- E. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Section 55.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the C-5 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Wholesale trade

Warehouse, display and office space for the storage, distribution and display of commodities for sale to the tradesperson, community or regional retailers, manufacturers, institutional or professional users, including:

- 1. Apparel, clothing, footwear and accessories.
- 2. Appliances; electrical and household.
- 3. Art goods and artist supplies.
- 4. Audio and visual tapes and disks.
- 5. Bicycles and parts.
- 6. Books, newspapers and periodicals.

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7. Building materials, equipment and supplies, including lumber, wiring, plumbing, insulation, masonry block, heating and air conditioning, electrical, glazing, roofing, and other similar products.
8. Computers and accessories.
9. Confectionery.
10. Decorating materials and supplies, including drapery, wall coverings, ceramic tile, fixtures, mirrors, lighting and similar items.
11. Dishes, cookware and kitchen articles.
12. Drugs and pharmaceuticals.
13. Dry goods, general merchandise and notions.
14. Electrical and electronic components and accessories.
15. Equipment and supplies for service establishments, including restaurants and health and beauty salons.
16. Flowers and floricultural specialties.
17. Fruits, vegetables and produce.
18. Furniture and home furnishings.
19. Gifts, novelties, baskets and curios.
20. Glassware and containers.
21. Groceries and related products, including produce, frozen foods, dairy and meat products.
22. Hardware.
23. Hosiery and lingerie.
24. Ice.
25. Jewelry, precious stones and metals and related materials.
26. Medical, dental, ophthalmic and hospital supplies and equipment.
27. Motor vehicle supplies and parts (new only).
28. Musical instruments, parts and supplies.
29. Nonalcoholic beverages.
30. Office supplies, furniture and fixtures.
31. Optical goods and lenses.
32. Paints, varnishes and supplies.
33. Paper, paper products, paperboard containers and stationery.
34. Photographic equipment and supplies.
35. Radio, television and stereophonic equipment.

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36. Scientific, engineering and drafting equipment and supplies.
37. Service establishment equipment and supplies.
38. Sporting, athletic and recreational equipment.
39. Toys and hobby goods and supplies.
40. Watches, clocks and supplies.

**B. Retail trade**

Retail sale of items primarily used by businesses, including agriculture, commerce, construction, transportation and research uses, or serving the specialized needs of individuals involved in these uses and related trades. The sale of items where the intensity of use or operation is greater than that allowed in other commercial zones, and which may be incompatible with those zones, is also allowed. In addition, retail sale of convenience goods to serve the short-term needs of employees in adjacent areas is permitted. However, retail sale of goods primarily serving the general public, which will result in attraction of large volumes of customers into industrial and manufacturing areas, is not consistent with the intent of the C-5 zone. Retail sale may include the following:

1. Agricultural supplies and equipment.
2. Appliances, household.
3. Antiques.
4. Art, drafting and graphics supplies.
5. Auction sales, not to include animals, conducted within an enclosed building.
6. Automotive parts and supplies.
7. Building materials and supplies.
8. Contractors equipment and supplies.
9. Decorators showrooms and supplies, including sale of paint and varnish, wallcoverings, floor coverings, window coverings, and tile.
10. Feed, grain and hay.
- 10a. Firearms and related accessories, sales and service. (*Zoning Ordinance Amendment 95-2 adopted by City Council October 11, 1995.*)
10. Hardware.

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11. Ice.
12. Lumber yards, including cutting lumber to size but excluding any other milling operation.
13. Machinery, equipment and supplies.
14. Mail order businesses, including warehousing.
15. Newsstands, newspaper and magazine sales.
16. Nurseries, including the growing of nursery stock.
17. Office furniture and equipment.
18. Photographic equipment and supplies.
19. Plumbing supplies.
20. Stationery and office supplies.
21. Stoves and fireplaces.
22. Surveying equipment and supplies.
23. Swimming pools and spas.
24. Technical publications and supplies.
25. Tools.
26. Trailers.
27. Trucks.

**C. Services**

Services provided primarily to businesses or serving the specialized needs of individuals involved in business or industry. Services having an intensity of use not allowed in other commercial zones may also be permitted, as are personal services to meet the immediate needs of employees in the area.

1. Construction and contracting services, including businesses supportive to contractors:
  - a. Construction equipment rental.
  - b. Contractor's offices, shops and yards; general and special trades contractors.
  - c. Machinery storage.



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2. Automobile, truck and trailer services, including:
  - a. Automobile and truck repair, light.
  - b. Automobile and truck repair, general.
  - c. Automobile rental.
  - d. Automobile sales, used.
  - e. Automobile service station, pursuant to Section 92.11.
  - f. Gas station.
  - g. Parking lots and structures, commercial off-site, pursuant to Section 87.05.
  - h. Recreational vehicle rental.
  - i. Tire repair and retreading.
  - j. Towing service and storage.
  - k. Trailer rental.
  - l. Truck rental.
  - m. Washing, automobile and truck.
  
3. Transportation, freight and storage services, including:
  - a. Boarding areas for public transportation (not including permanent stations).
  - b. Railroad spur lines.
  - c. Park and ride lots.
  - d. Personal storage facilities (mini-warehouses), pursuant to Section 93.03.
  - e. Taxi terminal.
  - f. Warehousing of materials or products for which a Conditional Use Permit is not required for the manufacture, storage, distribution or wholesale of that product in either the C-5, M-1, M-2, M-3 or M-4 Zones.
  - g. Weight scales.

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4. Business, financial and industrial services, including:
  - a. Agricultural equipment rental.
  - b. Banks, savings and loans, and credit unions providing a full range of services and accredited by the appropriate agencies, provided that offices are of a size and scale consistent with the intent of the C-5 zone (drive-through facilities subject to Section 92.01).
  - c. Blueprinting.
  - d. Brokers, wholesale.
  - e. Collection agencies.
  - f. Data processing.
  - g. Design services.
  - h. Direct mail and marketing.
  - i. Equipment rental, business equipment and machines.
  - j. Furniture rental, office.
  - k. Laundries, industrial and wholesale.
  - l. Linen and towel supply.
  - m. Locksmith.
  - n. Mailing services.
  - o. Manufacturers agents.
  - p. Message service.
  - q. Notary public.
  - r. Packaging and labeling services (bottles, cans, cartons, etc.)
  - s. Parcel delivery, including terminal.
  - t. Photocopying and duplicating.
  - u. Photographic processing, developing and printing.
  - v. Printing, engraving and typesetting.
  - w. Protection and security services.
  - x. Repossession service.
  - y. Secretarial services.
  - z. Security systems.
  - aa. Sign painting and lettering.
  - bb. Tele-commuting, tele-conference, and video-conference facilities.

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- cc. Temporary employment services.
  - dd. Telephone marketing service and solicitation.
  - ee. Uniform rental.
  - ff. Vending machine operators.
5. Repair and maintenance services, including:
- a. Antiques, restoration of.
  - b. Appliance repair, household.
  - c. Furniture refinishing, repair and upholstery.
  - d. Janitorial and cleaning services.
  - e. Large equipment repair, mobile.
  - f. Machinery service and repair.
  - g. Refrigeration repair and service.
  - h. Sharpening (lawn mowers, knives, scissors, etc.)
  - i. Small appliance repair.
  - j. Swimming pool cleaning and maintenance.
  - k. Television, radio, stereo and video component repair.
  - l. Water softener and bottled water service.
6. Food services, including:
- a. Catering services.
  - b. Coffee shops.
  - c. Commissaries.
  - d. Delicatessens and sandwich shops.
  - e. Doughnut shops.
  - f. Drive-through restaurants, pursuant to Section 92.01.
  - g. Ice cream and yogurt shops.
  - h. Restaurants, bona-fide.
  - i. Walk up food services.

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7. Professional services, including:
  - a. Accounting, auditing and bookkeeping services.
  - b. Animal hospitals, small and large animal.
  - c. Assaying.
  - d. Computer facilities management.
  - e. Engineering, architectural and urban planning services.
  - f. Health services, industrial.
  - g. Laboratories, medical and dental.
  - h. Laboratories, research and testing.
  - i. Real estate, insurance and finance services.
  - j. Tax preparers.
  - k. Urgent care facilities.
  - l. Veterinarian, small animal pursuant to Section 92.04.
8. Personal services, including:
  - a. Barber and beauty shops.
  - b. Dry cleaners and launderers.
  - c. Massage services and massage establishments, when conducted pursuant to Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)
  - d. Shoe repair.
  - e. Studios for performing arts and martial arts
9. Entertainment services and activities:
  - a. Billiard and pool halls.
  - b. Bingo.
  - c. Radio and television broadcasting studios.
  - d. Recording studios.



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- e. Adult-Oriented businesses, subject to the provisions of Article 92.05 and applicable provisions of the Palmdale Municipal Code. *(Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.)*

10. Educational and organization services and facilities:

- a. Business associations.
- b. Conference and meeting facilities.
- c. Labor and service organizations.
- d. Professional membership organizations.
- e. Trade and vocational schools (including truck-driving schools).
- f. Traffic schools and drivers training.

D. Public, quasi-public and institutional uses:

- 1. Air pollution sampling stations.
- 2. Animal shelters.
- 3. Fire stations.
- 4. Parking lots.
- 5. Police and sheriff stations.
- 6. Post office; branch or main distribution center.
- 7. Public utilities storage and maintenance yards.
- 8. Public works storage and maintenance yards.
- 9. Utility facilities, excluding major communication facility. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

E. Manufacturing and fabrication of miscellaneous products

- 1. Artificial flowers, foliage and fruit.
- 2. Electronic components.
- 3. Furniture refinishing and upholstery.
- 4. Machine shops.
- 5. Monuments and markers, stone.
- 6. Pre-recorded tapes and discs.

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- 7. Sheet metal shops.
- 8. Silkscreening or embroidery of finished textiles.

**Section 55.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone C-5 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits):

- A. Alcoholic beverages; wholesale and distribution of.
- B. Ambulance service.
- C. Automobile and truck repair, heavy.
- D. Bars and cocktail lounges, pursuant to Section 92.07.
- E. Bus terminals.
- F. Convenience stores, pursuant to Section 92.09.
- G. Crematoriums.
- H. Disinfecting, exterminating and pest control services.
- I. Health clubs, fitness centers and gymnasiums.
- J. Heliports and helistops.
- K. Hotels and motels.
- L. Liquor stores, pursuant to Section 92.07.
- M. Outdoor offsite advertising, in accordance with the provisions of Article 88.
- N. Paint spray booths.
- O. Pawn shops.
- P. Petroleum and petroleum products; wholesale sale and distribution.
- Q. Radio and television towers pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- R. Major communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- S. Truck terminal.
- T. Recycling centers, pursuant to Article 97.
- U. Rug cleaning plants.

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- V. Stations for boarding and unboarding of passengers from public transportation modes, including bus and rail; not including stops having no permanent buildings, such as for Metrolink.
- W. Taxidermy.
- X. Thrift shops and secondhand stores.
- Y. Truck stops, including eating and sleeping facilities.
- Z. Truss yards.
- AA. X-ray laboratories.

**Section 55.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the C-5 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

**A. Amusement machines**

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-5 zone, except that no amusement machines may be permitted within a convenience store.

**B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:**

1. Recycling containers, pursuant to Section 85.03.
2. Small collection facilities, pursuant to Section 97.05.
3. Trash compactors, pursuant to Section 85.02.

**C. Caretaker's residence, where legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons**

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and their families, pursuant to the standards contained in Section 91.09. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

- D. Information kiosks, pursuant to Section 88.05.F.
- E. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- F. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.
- G. Signs, as permitted by Chapter 8, Article 88.
- H. Wire services for money transfer and Automated Teller Machines (ATM's).
- I. Massage, when permitted with the primary business of a health club, fitness center and gymnasium, a hotel with over one hundred (100) rooms, a barber or beauty shop, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)
- J. Corporate Massage, when permitted with a primary commercial or industrial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)

**Section 55.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the C-5 zone, pursuant to Section 24.12.



**Section 55.09 Standards of Development**

Premises in Zone C-5 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

A. Lot area

Each lot or parcel of land created in Zone C-5 shall have a minimum lot area of not less than ten thousand (10,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

B. Lot width

None required except as otherwise provided in Article 81 (Lot Width).

C. Building setbacks

Except as otherwise required in Article 83, building setbacks in Zone C-5 shall be as follows:

1. Front yard

As provided in Section 82.01

2. Side yards

Each lot or parcel of land in Zone C-5 which has a side lot line adjoining property in a residential or agricultural zone shall have a side yard of not less than ten (10) feet in width on the side adjoining such residential or agricultural lot or parcel of land except as otherwise provided in Article 83.

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3. Rear yard

Each lot or parcel of land in Zone C-5 which has a rear lot line adjoining property in a residential or agricultural zone shall have a rear yard of not less than ten (10) feet in depth except as otherwise provided in Article 83.

4. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

D. Building height and coverage

1. Building height

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet. The maximum height of accessory structures shall not exceed one story or seventeen (17) feet.

2. Maximum lot coverage

No lot or parcel of land in Zone C-5 shall have a lot coverage by buildings or structures in excess of fifty (50) percent of the lot area.

3. Maximum floor area ratio

The ratio of total floor area to total lot area shall not exceed .5 (fifty percent).

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SERVICE COMMERCIAL (ZONE C-5)**

**E. Off-street parking and loading**

Each lot or parcel of land in Zone C-5 shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking and Loading).

**F. Signs**

Signs shall comply with the provisions of Article 88.

**G. Trash enclosures**

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, in accordance with Section 85.01.

**H. Special development standards**

1. Each use in this zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. All outdoor display and/or storage in Zone C-5 shall be located wholly within an enclosed area or shall be screened from public rights-of-way, unless otherwise permitted pursuant to an approved development plan. Where permitted, such outdoor areas shall be paved, landscaped and lighted in accordance with the applicable sections of this Ordinance.
3. All vehicle repair work shall be conducted within an enclosed building only.
4. Fences and walls shall be in conformance with the standards prescribed in Section 82.03.
5. Landscaping and screening shall be in conformance with the standards prescribed in Article 86.









CHAPTER 6  
INDUSTRIAL ZONES

ARTICLE 60 INDUSTRIAL ZONES

Section 60.01 Designation of Industrial Zones

As used in this Ordinance, industrial zones means Zones:

- M-1 (Light Industrial)
- M-2 (General Industrial)
- M-3 (Airport Industrial)
- M-4 (Planned Industrial)

Section 60.02 Intent and Purpose

The industrial zones are established to preserve land within the planning area for manufacturing, processing, assembly, fabrication, distribution, and similar activities related to production and transport of goods. Commercial uses which are compatible with and supportive of the manufacturing uses within these zones are also provided for. Uses which are incompatible with industrial development due to their sensitivity to noise, vibration, light, odors or materials used in manufacturing processes are not appropriate in these zones. Commercial uses providing retail goods and services to the general public, or which are intended to draw customers from residential areas into industrial areas are discouraged. The primary goal of the industrial use zones is to ensure that adequate land area is available in suitable sizes, configurations and locations to accommodate existing and future employment-generating development, and that the future potential of such areas is not inhibited or precluded by the intrusion of incompatible uses.





**ARTICLE 61 LIGHT INDUSTRIAL (ZONE M-1)**

**Section 61.01 Intent and Purpose**

The Light Industrial (M-1) Zone is established to create, preserve and enhance areas for light industrial uses and associated operations, including assembly, fabrication, packaging and transport, where operations are conducted primarily indoors. Heavy industrial uses in which raw materials are converted into products for subsequent assembly or fabrication are not appropriate in Zone M-1. Some construction-related activities may be allowed provided that screening is provided from public rights-of-way and adjacent, less intensive zoned properties. Limited commercial retail and service uses which serve businesses or their employees within the immediate area may be allowed, provided that they do not detract from the primary industrial operations within the M-1 Zone.

**Section 61.02 Locational Criteria**

The M-1 zone designation is appropriately located based upon the following criteria.

- A. The area is or will be occupied by limited manufacturing, wholesale, research and development, storage, transportation and similar or related activities.
- B. The area has access from highways or arterial streets, and such access does not traverse residential neighborhoods or land use designations. The area may also have access to rail service.
- C. The area is or will be served with adequate infrastructure to support light industrial uses.
- D. The area has slopes of less than ten (10) percent; is free of environmental constraints to industrial development; is adequately buffered from residential and other less intensive use designations; and has parcels of adequate size and

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shape to accommodate industrial structures and all required setbacks and accessory uses.

- E. Zone M-1 may be determined to be consistent with the Commercial Manufacturing (CM) or Industrial (IND) General Plan Land Use designations, and shall be consistent with all General Plan policies for siting and development of industrial land uses.

### **Section 61.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the M-1 Zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment. *(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

### **Section 61.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the M-1 Zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

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- A. Temporary living quarters, in accordance with Chapter 2, Article 27, Section 27.03.B.3.
- B. Temporary office modules, in accordance with Chapter 2, Article 27, Section 27.03.B.4.
- C. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- D. Stockpiling, in accordance with Section 27.03.B.6.

**Section 61.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the M-1 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Manufacturing, processing, assembly, packaging, treatment and fabrication of products, and on-site wholesaling of finished products, produced on site, including:
  - 1. Food products:
    - a. Bottled and canned soft drinks and water.
    - b. Bread and other bakery products.
    - c. Ice.
  - 2. Apparel and other textile products:
    - a. Clothing.
    - b. Curtains and draperies.
    - c. Hats, caps and millinery.
    - d. Home furnishings.
    - e. Silkscreening or embroidery of finished textiles.

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- f. Trimmings.
- 3. Wood products:
  - a. Cabinets, wood.
  - b. Millwork, fabricated wood.
  - c. Trusses.
  - d. Wood containers.
- 4. Furniture and fixtures:
  - a. Drapery hardware, blinds, shades and shutters.
  - b. Partitions and fixtures.
- 5. Paper and allied products:
  - a. Bags and sacks.
  - b. Coated and laminated paper products.
  - c. Die-cut paper, paperboard and cardboard products.
  - d. Display items, fiberboard.
  - e. Envelopes.
  - f. Folding paperboard boxes, including filing boxes.
  - g. Paperboard containers and boxes.
  - h. Sanitary good containers.
  - i. Stationery products.
- 6. Printed and published products:
  - a. Commercial printing.
  - b. Forms.
  - c. Greeting cards.
  - d. Lithography.
  - e. Newspapers.
  - f. Periodicals.
  - g. Typesetting.



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7. Drugs and pharmaceuticals.
8. Rubber and plastic products:
  - a. Fabricated rubber products.
  - b. Laminated plastic products.
  - c. Plastic bottles.
  - d. Plastic film and sheet materials.
  - e. Plastic foam products.
  - f. Rubber and plastic footwear.
9. Leather products:
  - a. Gloves and mittens.
  - b. Handbags, purses and personal goods.
  - c. Shoes and boots.
10. Stone, clay, glass and concrete products:
  - a. Glass products made of purchased glass.
  - b. Glassware, pressed or blown.
  - c. Monuments and markers, stone.
  - d. Plaster of paris and papier-mâché products.
  - e. Porcelain electric supplies.
  - f. Pottery.
  - g. White china, kitchen articles, art and ornamental ware, figures and similar products.
11. Fabricated metal products:
  - a. Architectural and ornamental metal work.
  - b. Cutlery, tools and hardware.
  - c. Small arms.

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12. Machinery and equipment:
  - a. Calculators and office equipment.
  - b. Computers and accessories.
  - c. Office machines.
  - d. Power hand tools.
13. Electronic and electrical equipment:
  - a. Audio and video equipment.
  - b. Broadcasting and communications equipment.
  - c. Electronic components, including tubes, circuit boards, semiconductors, capacitors, transformers and connectors.
  - d. Prerecorded audio tapes and disks.
  - e. Printed circuit boards.
  - f. Radio and television broadcasting and communication equipment.
  - g. Switchgear and switchboard apparatus.
  - h. Telephone apparatus.
  - i. Vehicle lighting equipment.
  - j. Wiring devices.
14. Transportation equipment:
  - a. Motor vehicles, conversion to zero- or low-emissions engines.
  - b. Motor vehicle parts and service for zero- to low-emissions vehicles.
15. Instruments for measuring, analyzing and controlling:
  - a. Laboratory apparatus and analytical, optical, measuring and controlling instruments.
  - b. Ophthalmic goods.
  - c. Photographic equipment and supplies.
  - d. Search, detection, navigation, guidance, aeronautical and nautical systems, instruments and equipment.

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- e. Surgical, medical and dental instruments and supplies.
- f. Watches, clocks, clockwork operated devices and parts.

16. Miscellaneous manufacturing and industries:

- a. Artificial flowers, foliage and fruit.
- b. Brooms and brushes.
- c. Burial caskets.
- d. Christmas ornaments.
- e. Dolls, toys, games.
- f. Hair goods.
- g. Jewelry and lapidary work.
- h. Lamp shades.
- i. Machine shops. (*Zoning Ordinance Amendment 95-2 adopted by City Council October 11, 1995.*)
- j. Musical instruments.
- k. Needlework kits.
- l. Notions (fasteners, buttons, pins and needles).
- m. Novelties.
- n. Pens, pencils and other artists materials.
- o. Signs and advertising specialties.
- p. Sporting and athletic goods and equipment.

B. Wholesale trade

Warehouse, display and office space for the storage, distribution and display of commodities for sale to the tradesperson, community or regional retailers, manufacturers, institutional or professional users, including:

- 1. Apparel, clothing, footwear and accessories.
- 2. Appliances; electrical and household.
- 3. Art goods and artist supplies.
- 4. Audio and visual tapes and disks.
- 5. Bicycles and parts.

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6. Books, newspapers and periodicals.
7. Building materials, equipment and supplies, including lumber, wiring, plumbing, insulation, masonry block, heating and air conditioning, electrical, glazing, roofing and other similar products.
8. Computers and accessories.
9. Confectionery.
10. Decorating materials and supplies, including drapery, wall coverings, ceramic tile, fixtures, mirrors, lighting and similar items.
11. Dishes, cookware and kitchen articles.
12. Drugs and pharmaceuticals.
13. Dry goods, general merchandise and notions.
14. Electrical and electronic components and accessories.
15. Equipment and supplies for service establishments, including restaurants and health and beauty salons.
16. Flowers and floricultural specialties.
17. Fruits, vegetables and produce.
18. Furniture and home furnishings.
19. Gifts, novelties, baskets and curios.
20. Glassware and containers.
21. Groceries and related products, including produce, frozen foods, dairy and meat products.
22. Hardware.
23. Hosiery and lingerie.
24. Ice.
25. Jewelry, precious stones and metals and related materials.
26. Medical, dental, ophthalmic and hospital supplies and equipment.
27. Monuments and grave markers.
28. Motor vehicle supplies and parts (new only).
29. Musical instruments, parts and supplies.
30. Nonalcoholic beverages.
31. Office supplies, furniture and fixtures.
32. Optical goods and lenses.
33. Paper, paper products, paperboard containers and stationery.
34. Photographic equipment and supplies.
35. Radio, television and stereophonic equipment.



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36. Scientific, engineering and drafting equipment and supplies.
37. Service establishment equipment and supplies.
38. Sporting, athletic and recreational equipment.
39. Toys and hobby goods and supplies.
40. Watches, clocks and supplies.

C. Retail trade

Limited retail sale of items primarily used by businesses, including agriculture, commerce, construction, transportation and research uses, or serving the specialized needs of individuals involved in these uses and related trades. The sale of items where the intensity of use or operation is greater than that allowed in commercial zones, and which may be incompatible with those zones, is also allowed. In addition, retail sale of convenience goods to serve the short-term needs of employees in adjacent areas is permitted. However, retail sale of goods primarily serving the general public, which will result in attraction of large volumes of customers into industrial and manufacturing areas, is not consistent with the intent of the M-1 zone. Retail sale may include the following:

1. Agricultural supplies and equipment.
2. Auction sales, not to include animals, conducted within an enclosed building.
3. Building materials and supplies.
4. Contractor's equipment and supplies.
5. Decorators showrooms and supplies, including sale of paint and varnish, wallcoverings, floor coverings, window coverings, and tile.
6. Firearms and related accessories, sales, and service. (*Zoning Ordinance Amendment 95-2 adopted by City Council October 11, 1995.*)
7. Hardware.
8. Ice.
9. Lumber yards.
10. Machinery, equipment and supplies.
11. Mail order businesses, including warehousing.
12. Newsstands, newspaper and magazine sales.

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13. Plumbing supplies.
14. Surveying equipment and supplies.
15. Technical publications and supplies.
16. Tools.

**D. Services**

Services provided primarily to businesses or serving the specialized needs of individuals involved in business or industry. Services having an intensity of use not allowed in commercial zones may also be permitted, as are personal and food services to meet the immediate needs of employees in the area.

1. Construction and contracting services, including businesses supportive to contractors:
  - a. Construction equipment rental.
  - b. Contractors offices, shops and yards; general and special trades contractors.
2. Transportation, freight and storage services, including:
  - a. Boarding areas for public transportation (not including permanent stations).
  - b. Railroad spur lines.
  - c. Park and ride lots.
  - d. Personal storage facilities (mini-warehouses), pursuant to Section 93.03.
  - e. Taxi terminal.
  - f. Warehousing of materials or products for which a Conditional Use Permit is not required for the manufacture, storage, distribution or wholesale of that product in either the C-5, M-1, M-2, M-3, or M-4 Zones.
  - g. Weight scales.

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3. Personal services, including:
  - a. Carpet and upholstery cleaning (in-plant or on customer's premises).
  - b. Dry cleaning plants.
  - c. Linen supply.
  
4. Business services: *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  - a. Brokers, wholesale.
  - b. Courier services.
  - c. Data processing.
  - d. Equipment rental.
  - e. Laundries, industrial and wholesale.
  - f. Linen and towel supply.
  - g. Locksmith.
  - h. Manufacturer's agents.
  - i. Message and answering services.
  - j. Packaging and labeling services (bottles, cans, cartons, etc.)
  - k. Parcel delivery, including terminal.
  - l. Photofinishing laboratories.
  - m. Repossession service.
  - n. Sign manufacture, painting and lettering.
  - o. Water softener and bottled water supplies and service.
  
5. Automotive services:
  - a. Automobile and truck repair, general.
  - b. Automobile and truck repair, light.
  - c. Automobile service station, pursuant to Section 92.11.
  - d. Gas station.
  - e. Towing service and storage.
  - f. Trailer rental.

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- g. Washing, automobile and truck.
- 6. Repair and maintenance services:
  - a. Antiques, restoration of.
  - b. Furniture refinishing and reupholstery.
  - c. Janitorial, cleaning and maintenance services.
  - d. Large equipment repair, mobile.
  - e. Machinery cleaning, repair and service.
  - f. Motor rebuilding.
  - g. Refrigerator repair and service.
  - h. Swimming pool cleaning and maintenance.
- 7. Entertainment, amusement and recreation:
  - a. Athletic fields, lighted or unlighted.
  - b. Athletic stadiums, sports arena.
  - c. Batting cages.
  - d. Golf driving ranges.
  - e. Motion picture and video tape production and allied services.
  - f. Motion picture and video tape distribution.
  - g. Adult-oriented businesses, subject to the provisions of Article 92.05 and applicable provisions of the Municipal Code. (*Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.*)
- 8. Educational and organization services and facilities:
  - a. Business associations.
  - b. Conference and meeting facilities.
  - c. Labor and service organizations.
  - d. Professional membership organizations.
  - e. Tele-commuting, tele-conference and video-conference.
  - f. Trade and vocational schools (including truck and large equipment driving schools).



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9. Research, development and testing services:
  - a. Agricultural and biological research, provided that all research involving the use of sludge and/or biosolid material be conducted within an enclosed building. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
  - b. Chemical research laboratories.
  - c. Engineering research laboratories.
  - d. Food research.
  - e. Industrial laboratories.
  - f. Testing laboratories; metallurgical, product, pollution, etc.
10. Food services, including:
  - a. Coffee shops.
  - b. Commissaries.
  - c. Delicatessens and sandwich shops.
  - d. Doughnut shops.
  - e. Drive-through restaurants, pursuant to Section 92.01.
  - f. Walk-up food services.
11. Public, quasi-public and institutional uses:
  - a. Air pollution sampling stations.
  - b. Animal shelters.
  - c. Bus barns.
  - d. Disaster and emergency management offices.
  - e. Fire stations.
  - f. Parking lots.
  - g. Post office and distribution center.
  - h. Public utilities storage and maintenance yards.
  - i. Public works storage and maintenance yards.
  - j. Sheriff's stations.
  - k. Utility facilities, excluding major communication facilities. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

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**Section 61.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone M-1 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Alcoholic beverages, distilling, bottling, wholesale and distribution of.
- B. Ambulance service.
- C. Automobile and truck repair, heavy.
- D. Bus terminals.
- E. Civic or social organizations.
- F. Convenience stores, pursuant to Section 92.09.
- G. Correctional facilities.
- H. Crematoriums.
- I. Disinfecting, exterminating and pest control services.
- J. Health clubs, fitness centers and gymnasiums.
- K. Heliports and helistops.
- L. Major communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- M. Motor vehicle supplies and parts, used (wholesale or retail).
- N. Outdoor offsite advertising, in conformance with the provisions of Article 88.
- O. Paint spray booths.
- P. Petroleum and petroleum products, wholesale sale and distribution.
- Q. Radio and television towers.
- R. Recycling centers, pursuant to Article 97. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)
- S. Rug cleaning plants.
- T. Shooting ranges, indoor or outdoor.
- U. Stations for boarding and unboarding of passengers from public transportation modes, including bus and rail; not including stops having no permanent buildings, such as for Metrolink.
- V. Taxidermy.
- W. Truck stops, including eating and sleeping facilities.
- X. Weapons and/or ammunition; storage and warehousing.

- Y. X-ray laboratories.

**Section 61.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the M-1 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- A. Amusement machines

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the M-1 zone, except that no amusement machines may be permitted within a convenience store.

- B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:

1. Recycling containers, pursuant to Section 85.03.
2. Trash compactors, pursuant to Section 85.02.

- C. Caretaker's residence, where legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

- D. Information kiosk, pursuant to Section 88.05.F.

- E. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.

- F. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work

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out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.

- G. Signs, as permitted by Chapter 8, Article 88.
- H. Wire services for money transfer and Automated Teller Machines (ATM's).
- I. Massage, when permitted with the primary business of a health club, fitness center and gymnasium, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.)*
- J. Corporate Massage, when permitted with a primary industrial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.)*
- K. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met: *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
  - 1. The operations are contained within the main structure which houses the primary use;
  - 2. Retail sales occupy no more than 15% of the total building square footage;
  - 3. No retail sales or display of merchandise occur(s) outside the structure(s); and
  - 4. All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises.



**Section 61.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the M-1 zone, pursuant to Section 24.12.

**Section 61.09 Standards of Development**

Premises in Zone M-1 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

A. Lot area

Each lot or parcel of land created in Zone M-1 shall have a minimum lot area of not less than twenty thousand (20,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

B. Lot width

None required except as otherwise provided in Article 82 (Lot Width).

C. Building setbacks

Except as otherwise required by Article 83, building setbacks in Zone M-1 shall be as follows:

1. Front yard and street side yard (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

Minimum front yard setbacks for uses in Zone M-1 shall be measured from the property line as follows:

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- a. Arterial streets: A minimum building setback of thirty (30) feet, including a minimum of twenty (20) feet of landscaping, shall be provided along arterial streets as indicated in the General Plan Circulation Element, except as provided in paragraph d. below.
- b. Local and collector streets: A minimum building setback of twenty (20) feet, including a minimum of ten (10) feet of landscaping, shall be provided along local and collector streets, both public and private, except as provided in paragraph d. below. Where a sidewalk is not required, the landscaping requirement may be reduced by five (5) feet.
- c. Adjacent to residential: Where an industrial use is proposed to be separated from a residentially used or designated property by a local or collector street, the minimum building setback from each street shall be thirty (30) feet and shall include a minimum landscaped setback of twenty (20) feet, except as provided in paragraph d. below. Where a sidewalk is not required, the landscaping requirement may be reduced by five (5) feet.
- d. Exceptions to minimum front yard setbacks:
  - (i) Buildings over thirty-five (35) feet in height: The front yard setback for buildings which are more than thirty-five (35) feet in height shall be established by the reviewing authority during development review to mitigate any adverse impacts on neighboring properties, but in no case shall be less than the minimum as set forth in paragraphs a., b., or c. above. As a guideline, the reviewing authority may require an additional one (1) foot of setback for every one (1) foot of height over 35 feet along an arterial or collector street, and one-half (1/2) foot of setback for every one (1) foot of height over 35 feet along a local street. This increased setback may be applied to individual building elements, rather than

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the entire building footprint, to lessen the effect of building mass abutting the street. Total building setback need not exceed seventy (70) feet regardless of height.

- (ii) Infill development: For proposed uses on lots or parcels within substantially developed industrial areas, in which a pattern of building setbacks has been established, the reviewing authority may establish setbacks which are compatible with adjacent uses as part of the development review and approval process, without a variance, provided that the minimum landscaped setback area adjacent to any street shall be no less than ten (10) feet.

- e. Fences, walls, and planters over three (3) feet in height shall maintain the setbacks set forth in this section.

2. **Rear and side yards** (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

Minimum rear and side yard setbacks for uses in Zone M-1 shall not be required, except in the following cases:

- a. Where a side or rear yard abuts an arterial street or expressway, the provisions of Section 61.09.C.1. shall apply.
- b. Where a side or rear yard abuts a freeway, the following shall apply:
  - 1. A minimum building setback of twenty (20) feet shall be required, of which at least ten (10) feet must be landscaped, except where the Reviewing Authority determines that architectural enhancements and/or special site design features that are proposed warrants an exception to the standard setback. However, in no instance shall an

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approved building setback be less than ten (10) feet from the freeway right-of-way.

2. For rear and side yards abutting freeways where such yards are visible from the freeway travel lanes, landscaped areas adjacent to the freeway shall average twenty (20) feet, and be not less than ten (10) feet wide, and the entire freeway frontage of the site may be used to compute average landscaping.
- c. Where a side or rear yard abuts a property used or designated for residential uses, a building setback of no less than twenty (20) feet shall be provided, with a minimum of ten (10) feet of landscaping adjacent to the residential property, as specified in Section 83.03.C. For buildings over thirty-five (35) feet in height, the reviewing authority may require additional building setbacks from residential properties and landscaping, as needed to mitigate visual impacts from the height and mass of the building. In establishing this setback, sun angle should be considered to avoid allowing a tall industrial building to block solar access to an adjacent residential use.
- d. Where a side or rear yard abuts a property used or designated for less intensive non-residential uses, such as office, commercial, or public/institutional uses, a building setback of no less than ten (10) feet shall be provided, with a minimum of five (5) feet of landscaping adjacent to the neighboring property. For buildings over thirty-five (35) feet in height, the reviewing authority may require additional building setback and landscaping, as needed to mitigate impacts on less intensive uses, including visual and aesthetic impacts as well as solar access.
- e. The reviewing authority may require a greater setback where needed to mitigate impacts from noise or other operations of use.



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3. Projections (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

Eaves, roof projections, awnings, stair landings, and similar architectural features may project into the building setback a maximum distance of five (5) feet, provided that such appendages are supported only at, or behind, the building setback line, and further provided such appendages do not project beyond the property line or into the public right-of-way.

4. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

**D. Building height and coverage**

1. Building height (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

a. The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed two (2) stories or thirty-five (35) feet, except as permitted through approval of a conditional use permit (CUP). In approving a CUP for additional building height, the reviewing authority shall find that adequate setbacks are provided on the project site to mitigate adverse impacts on adjacent properties; that adequate fire protection is provided for the subject buildings; that all FAA clearance requirements are met; that maximum floor area ratio requirements are not exceeded; and that the height, bulk, massing, design, and placement of the building on the subject site will not adversely impact adjacent properties or the general public.

b. The maximum height of accessory structures shall not exceed thirty-five (35) feet.

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- c. No windows, balconies, stairways, or other areas where people could look out onto adjacent residential properties shall be permitted above the first floor on the side of a building which faces property designated for single-family residential use.

**2. Maximum lot coverage**

No lot or parcel of land in Zone M-1 shall have a lot coverage by buildings or structures in excess of fifty (50) percent of the lot area.

**3. Maximum floor area ratio** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

- a. The ratio of total floor area to total lot area shall not exceed .5 (fifty percent), excluding amenities which may be approved by the reviewing authority, which may include but are not limited to child care facilities and employee fitness areas.

**E. Off-street parking and loading** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Each lot or parcel of land in Zone M-1 shall have adequate off-street parking and loading facilities. Location and design of parking and loading facilities shall conform to applicable General Plan Community Design Element policies and to Article 87.

**F. Signs**

Signs shall comply with the provisions of Article 88.

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- G. Trash enclosures (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

An adequate number of trash enclosures shall be provided on site to meet the need of each development, and shall be located and designed in accordance with applicable General Plan Community Design Element policies and Section 85.01.

- H. Landscaping (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

At least ten (10) percent of the site shall be landscaped, in accordance with Sections 83.03 and 86.01 and applicable General Plan Community Design Element policies, except that the reviewing authority may reduce this requirement to no less than five (5) percent of the site, provided that areas visible from public rights-of-way and non-industrial uses or districts are adequately landscaped.

- I. Sidewalks (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

Sidewalks shall be provided within the public right-of-way along all major and regional arterial streets, as depicted in the General Plan. Sidewalks may be required along secondary arterial, collector and local streets, or this requirement may be waived by the reviewing authority as part of the development review process.

- J. Special development standards (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

1. Each use in this Zone shall be established and operated in accordance with Article 84 (Performance Standards).

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2. Fences and walls shall be in conformance with Sections 83.03 and 86.04 and the applicable policies of the General Plan Community Design Element.
3. Any portion of a lot or parcel used for outdoor storage, loading, parking, or other permitted outside use shall be paved according to the standards provided in Section 87.05, except that the reviewing authority may approve a reduction in the area required to be paved where it is determined that such area will be adequately screened and dust-proofed, and that construction of additional improvements is unnecessary.
4. All outdoor display and/or storage in Zone M-1 shall be located wholly within an enclosed area or shall be screened from public rights-of-way, and adjacent properties pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable policies of the General Plan Community Design Element. Where permitted, such outdoor areas shall be paved, landscaped and lighted in accordance with the applicable sections of this Ordinance.
5. Screening shall be provided in conformance with the standards prescribed in Article 86 and applicable policies of the General Plan Community Design Element.
6. All business and manufacturing operations shall be conducted within an enclosed building unless specifically permitted by the reviewing authority and adequately screened from public view pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable policies of the General Plan Community Design Element.
7. Architectural design shall conform to the applicable Community Design policies contained in the General Plan.



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LIGHT INDUSTRIAL (ZONE M-1)

K. Rail Service Standards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Lot division and building layouts for properties which adjoin existing or proposed lead and spur lines shall be designed so as to ensure full potential of future rail access to other properties adjacent to such rail lines. Subdivision proposals which could reduce a property's capacity to accommodate potential rail-served development may not be approved.



**ARTICLE 62 GENERAL INDUSTRIAL (ZONE M-2)**

**Section 62.01 Intent and Purpose**

The General Industrial (M-2) Zone is established to create, preserve and enhance areas for a full range of manufacturing, fabrication, assembly, warehousing, and distribution uses associated with heavy industrial land uses. Outdoor operations and storage are permitted, provided that such areas are generally screened from public rights-of-way. Commercial and businesses uses which are supportive to industrial activities, or which serve daily needs of employees in the vicinity, are also allowed. The zone is intended to create an environment in which industrial and allied uses may be conducted with a minimum of land use conflicts, through exclusion of residential and general retail uses.

**Section 62.02 Locational Criteria**

The M-2 zone designation is appropriately located based upon the following criteria:

- A. The area is or will be occupied by a wide variety of light to heavy industrial uses and ancillary or supportive activities.
- B. The area has access from highways or arterial streets, and such access does not traverse residential neighborhoods or land use designations. The area may also have access to rail service.
- C. The area is or will be served with adequate infrastructure to support heavy industrial uses.
- D. The area has slopes of less than ten (10) percent; is free of environmental constraints to industrial development; is adequately buffered from residential and other less intensive use designations; and has parcels of adequate size and

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### **GENERAL INDUSTRIAL (ZONE M-2)**

shape to accommodate all industrial structures and all required setbacks and accessory uses.

- E. Zone M-2 shall be consistent with the Industrial (IND) General Plan Land Use designation and all General Plan policies for siting and development of industrial land uses.

#### **Section 62.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the M-2 Zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

#### **Section 62.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the M-2 Zone, subject to the provisions of the Zoning Ordinance as specified in this Section.



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- A. Temporary living quarters, in accordance with Chapter 2, Article 27, Section 27.03.B.3.
- B. Temporary office modules, in accordance with Chapter 2, Article 27, Section 27.03.B.4.
- C. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- D. Stockpiling, in accordance with Section 27.03.B.6.

**Section 62.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the M-2 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Manufacturing, processing assembly, packaging, treatment and fabrication of products, and on-site wholesaling of finished products, produced on site, including:
  - 1. Food products:
    - a. Bottled and canned soft drinks and water.
    - b. Bread and other bakery products.
    - c. Ice.
  - 2. Apparel and other textile products:
    - a. Bags.
    - b. Belts and accessories.
    - c. Canvas products.

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- d. Clothing.
  - e. Curtains and draperies.
  - f. Fur goods.
  - g. Gloves.
  - h. Hats, caps and millinery.
  - i. Home furnishings.
  - j. Silkscreening or embroidery of finished textiles.
  - k. Textile automobile products.
  - l. Trimmings.
3. Wood products:
- a. Cabinets, wood.
  - b. Millwork, fabricated wood.
  - c. Mobile homes, manufacture of.
  - d. Trusses.
  - e. Wood buildings, prefabricated.
  - f. Wood containers.
  - g. Wood preserving.
4. Furniture and fixtures:
- a. Drapery hardware, blinds, shades and shutters.
  - b. Household furniture, wood or metal.
  - c. Fixtures, partitions and furniture for public and commercial use.
  - d. Mattresses and bedsprings.
  - e. Office furniture, wood or metal.
  - f. Partitions and fixtures.
5. Paper and allied products:
- a. Bags and sacks.
  - b. Coated and laminated paper products.
  - c. Die-cut paper, paperboard and cardboard products.

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- d. Display items, fiberboard.
  - e. Envelopes.
  - f. Folding paperboard boxes, including filing boxes.
  - g. Paperboard containers and boxes.
  - h. Sanitary good containers.
  - i. Stationery products.
6. Printed and published products:
- a. Bookbinding.
  - b. Books.
  - c. Commercial printing.
  - d. Forms.
  - e. Greeting cards.
  - f. Lithography.
  - g. Miscellaneous printed materials.
  - h. Newspapers.
  - i. Periodicals.
  - j. Typesetting.
7. Drugs and pharmaceuticals.
8. Rubber and plastic products:
- a. Fabricated rubber products.
  - b. Gaskets, seals, belts and hoses.
  - c. Laminated plastic products.
  - d. Miscellaneous plastic products.
  - e. Plastic bottles.
  - f. Plastic film and sheet materials.
  - g. Plastic foam products.
  - h. Rubber and plastic footwear.
  - i. Tire repair materials.
  - j. Tire retreading.

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9. Leather products:

- a. Gloves and mittens.
- b. Handbags, purses and personal goods.
- c. Luggage.
- d. Miscellaneous leather products.
- e. Shoes and boots.

10. Stone, clay, glass and concrete products:

- a. Abrasive products.
- b. Asbestos products.
- c. Brick and tile.
- d. Cement.
- e. China and earthenware dishes and ware.
- f. China plumbing fixtures.
- g. Concrete block and bricks.
- h. Concrete products, pre-cast.
- i. Flat glass.
- j. Glass products made of purchased glass.
- k. Glassware, pressed or blown.
- l. Mineral wool.
- m. Minerals and earths, ground or treated.
- n. Monuments and markers, stone.
- o. Plaster of paris and papier-mâché products.
- p. Porcelain electric supplies.
- q. Pottery.
- r. Ready-mixed concrete.

11. Fabricated metal products:

- a. Architectural and ornamental metal work.
- b. Boiler shops.
- c. Cutlery, tools and hardware.



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- d. Fabricated pipes and fittings.
- e. Fabricated wire products.
- f. Heating equipment.
- g. Metal cans and containers.
- h. Metal doors, frames and trim.
- i. Metal foil products.
- j. Plumbing fixtures.
- k. Prefabricated metal buildings.
- l. Screws, bolts, nuts, rivets and other fasteners.
- m. Sheet metal works.
- n. Small arms.
- o. Structural metal and joists.

12. Machinery and equipment:

- a. Calculators and office equipment.
- b. Computers and accessories.
- c. Construction machinery and equipment.
- d. Dies, tools and molds.
- e. Food products machinery.
- f. Industrial machinery and equipment.
- g. Lawn and garden tractors and equipment.
- h. Machine tools, metal cutting and forming.
- i. Office equipment.
- j. Power hand tools.
- k. Service industry machinery and equipment.
- l. Woodworking machinery.

13. Electronic and electrical equipment:

- a. Audio and video equipment.
- b. Batteries.
- c. Broadcasting and communications equipment.

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- d. Electronic components, including tubes, circuit boards, semiconductors, capacitors, transformers and connectors.
- e. Household appliances.
- f. Light bulbs and tubes.
- g. Lighting fixtures and equipment.
- h. Motors, relays and controls.
- i. Prerecorded audio tapes and disks.
- j. Printed circuit boards.
- k. Radio and television broadcasting and communication equipment.
- l. Switchgear and switchboard apparatus.
- m. Telephone apparatus.
- n. Transformers.
- o. Transmission and distribution equipment.
- p. Vehicle lighting equipment.
- q. Wiring devices.

**14. Transportation equipment:**

- a. Aircraft, guided missiles and spacecraft parts and equipment.
- b. Boat building and repair.
- c. Motor homes.
- d. Motor vehicles.
- e. Motor vehicles, conversion to zero- or low-emissions engines.
- f. Motor vehicle parts and service for zero- to low-emissions vehicles.
- g. Motor vehicle parts and service.
- h. Motorcycles, bicycles and parts.
- i. Railroad equipment.
- j. Travel trailers and campers.
- k. Truck trailers.

**15. Instruments for measuring, analyzing and controlling:**

- a. Laboratory apparatus and analytical, optical, measuring and controlling instruments.

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- b. Ophthalmic goods.
- c. Photographic equipment and supplies.
- d. Search, detection, navigation, guidance, aeronautical and nautical systems, instruments and equipment.
- e. Surgical, medical and dental instruments and supplies.
- f. Watches, clocks, clockwork operated devices and parts.

16. **Miscellaneous manufacturing and industries:** *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

- a. Artificial flowers, foliage and fruit.
- b. Brooms and brushes.
- c. Burial caskets.
- d. Christmas ornaments.
- e. Dolls, toys, games.
- f. Hair goods.
- g. Jewelry and lapidary work.
- h. Lamp shades.
- i. Machine shops.
- j. Musical instruments.
- k. Needlework kits.
- l. Notions (fasteners, buttons, pins and needles).
- m. Novelties.
- n. Pens, pencils and other artists materials.
- o. Signs and advertising specialties.
- p. Silverware, plated ware, stainless steel ware.
- q. Sporting and athletic goods and equipment.

**B. Wholesale trade**

Warehouse, display and office space for the storage, distribution and display of commodities for sale to the tradesperson, community or regional retailers, manufacturers, institutional or professional users, including:

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1. Apparel, clothing, footwear and accessories.
2. Appliances; electrical and household.
3. Art goods and artist supplies.
4. Audio and visual tapes and disks.
5. Bicycles and parts.
6. Books, newspapers and periodicals.
7. Building materials, equipment and supplies, including lumber, wiring, plumbing, insulation, masonry block, heating and air conditioning, electrical, glazing, roofing and other similar products.
8. Computers and accessories.
9. Confectionery.
10. Construction machinery and equipment.
11. Cordwood and firewood.
12. Decorating materials and supplies, including drapery, wall coverings, ceramic tile, fixtures, mirrors, lighting and similar items.
13. Dishes, cookware and kitchen articles.
14. Drugs and pharmaceuticals.
15. Dry goods, general merchandise and notions.
16. Electrical and electronic components and accessories.
17. Equipment and supplies for service establishments, including restaurants and health and beauty salons.
18. Farm machinery and equipment.
19. Flowers and floricultural specialties.
20. Fruits, vegetables and produce.
21. Furniture and home furnishings.
22. Gifts, novelties, baskets and curios.
23. Glassware and containers.
24. Groceries and related products, including produce, frozen foods, dairy and meat products.
25. Hardware.
26. Hosiery and lingerie.
27. Ice.
28. Industrial machinery and equipment.
29. Industrial supplies.



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30. Jewelry, precious stones and metals and related materials.
31. Medical, dental, ophthalmic and hospital supplies and equipment.
32. Monuments and grave markers.
33. Motor vehicle supplies and parts (new only).
34. Musical instruments, parts and supplies.
35. Nonalcoholic beverages.
36. Office supplies, furniture and fixtures.
37. Optical goods and lenses.
38. Paints, varnishes and supplies.
39. Paper, paper products, paperboard containers and stationery.
40. Photographic equipment and supplies.
41. Radio, television and stereophonic equipment.
42. Scientific, engineering and drafting equipment and supplies.
43. Service establishment equipment and supplies.
44. Sporting, athletic and recreational equipment.
45. Steel and other semi-finished metal products.
46. Toys and hobby goods and supplies.
47. Transportation equipment and supplies.
48. Watches, clocks and supplies.

**C. Retail trade**

Limited retail sale of items primarily used by businesses, including agriculture, commerce, construction, transportation and research uses, or serving the specialized needs of individuals involved in these uses and related trades. The sale of items where the intensity of use or operation is greater than that allowed in commercial zones, and which may be incompatible with those zones, is also allowed. In addition, retail sale of convenience goods to serve the short-term needs of employees in adjacent areas is permitted. However, retail sale of goods primarily serving the general public, which will result in attraction of large volumes of customers into industrial and manufacturing areas, is not consistent with the intent of the M-2 zone. Retail sale may include the following:

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1. Agricultural supplies and equipment.
2. Auction sales, not to include animals, conducted within an enclosed building.
3. Building materials and supplies.
4. Contractors equipment and supplies.
5. Decorators showrooms and supplies, including sale of paint and varnish, wallcoverings, floor coverings, window coverings, and tile.
6. Equipment rental.
7. Feed, grain and hay.
8. Hardware.
9. Ice.
10. Liquefied petroleum gas (LPG) dealers.
11. Lumber yards, including cutting lumber to size but excluding any other milling operation.
12. Machinery, equipment and supplies.
13. Mail order businesses, including warehousing.
14. Mobile home sales.
15. Newsstands, newspaper and magazine sales.
16. Plumbing supplies.
17. Portable storage sheds (including assembly and display).
18. Recreational vehicle sales.
19. Surveying equipment and supplies.
20. Technical publications and supplies.
21. Tools.

**D. Services**

Services provided primarily to businesses or serving the specialized needs of individuals involved in business or industry. Services having an intensity of use not allowed in commercial zones may also be permitted, as are personal and food services to meet the immediate needs of employees in the area.

1. Construction and contracting services, including businesses supportive to contractors:

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- a. Construction equipment, rental and leasing.
  - b. General contractors offices, shops and yards.
  - c. Heavy construction contractors offices shops and yards.
  - d. Special trade contractors offices, shops and yards.
  - e. Machinery and equipment storage.
2. Transportation, freight and storage services, including:
- a. Boarding areas for public transportation (not including permanent stations).
  - b. Furniture moving and storage.
  - c. Railroad spur lines.
  - d. Park and ride lots.
  - e. Personal storage facilities (mini-warehouses), pursuant to Section 93.03.
  - f. Taxi terminal.
  - g. Truck terminal.
  - h. Warehousing of materials or products for which a Conditional Use Permit is not required for the manufacture, storage, distribution or wholesale of that product in either the C-5, M-1, M-2, M-3, or M-4 Zones.
  - i. Weight scales.
3. Personal services, including:
- a. Carpet and upholstery cleaning (in-plant or on customer's premises).
  - b. Diaper service.
  - c. Dry cleaning plants.
  - d. Linen supply.

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4. Business services: *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  - a. Brokers, wholesale.
  - b. Courier services.
  - c. Laundries, industrial and wholesale.
  - d. Message and answering services.
  - e. Outdoor advertising services.
  - f. Packaging and labeling services (bottles, cans, cartons, etc.)
  - g. Parcel delivery, including terminal.
  - h. Photofinishing laboratories.
  - i. Repossession service.
  - j. Sign manufacture, painting and lettering.
  - k. Water softener and bottled water supplies and service.
5. Automotive and vehicle services:
  - a. Automobile and truck repair, general.
  - b. Automobile and truck repair, light.
  - c. Automobile and truck repair, heavy.
  - d. Automobile service station, pursuant to Section 92.11.
  - e. Bus and truck washing.
  - f. Gas station.
  - g. Industrial truck repair.
  - h. Tire repair and retreading.
  - i. Towing service and vehicle storage.
  - j. Trailer rental and leasing.
  - k. Truck rental and leasing.
  - l. Utility trailer rental.
  - m. Washing, automobile and truck.



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6. Repair and maintenance services:
  - a. Agricultural equipment repair.
  - b. Blacksmith shops and horseshoeing
  - c. Furnace cleaning and repair.
  - d. Heavy construction equipment repair.
  - e. Janitorial, cleaning and maintenance services.
  - f. Large equipment repair.
  - g. Machinery cleaning.
  - h. Motor rebuilding.
  - i. Refrigerator, repair and maintenance.
  - j. Septic tank cleaning.
  - k. Swimming pool cleaning and maintenance.
  - l. Tank truck cleaning.
  - m. Welding services and shops.
7. Entertainment, amusement and recreation:
  - a. Athletic fields, lighted or unlighted.
  - b. Athletic stadiums, sports arena.
  - c. Batting cages
  - d. Golf course, pursuant to Section 94.02.
  - e. Golf driving ranges
  - f. Motion picture and video tape production and allied services.
  - g. Motion picture and video tape distribution.
8. Educational and training services:
  - a. Construction equipment operation schools.
  - b. Truck driving schools.
  - c. Vocational and trade schools.
  - d. Vocational training agencies.

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9. Organizations:
  - a. Business associations.
  - b. Labor and service organizations.
  - c. Professional membership organizations.
10. Research, development and testing services:
  - a. Agricultural and biological research, provided that all research involving the use of sludge and/or biosolid material be conducted within an enclosed building. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
  - b. Chemical research laboratories.
  - c. Engineering research laboratories.
  - d. Food research.
  - e. Industrial laboratories.
  - f. Testing laboratories; metallurgical, product, pollution, etc.
11. Food services, including:
  - a. Coffee shops.
  - b. Commissaries.
  - c. Delicatessens and sandwich shops.
  - d. Doughnut shops.
  - e. Drive through restaurants, pursuant to Section 92.01.
  - f. Walk-up food services.
12. Public, quasi-public and institutional uses:
  - a. Air pollution sampling stations.
  - b. Animal shelters.
  - c. Bus barns.
  - d. Disaster and emergency management offices.
  - e. Fire stations.

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- f. Parking lots.
- g. Post office and distribution center.
- h. Public utilities storage and maintenance yards
- i. Public works storage and maintenance yards
- j. Sheriff's stations.
- k. Utility facility, excluding major communication facilities. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**Section 62.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone M-2 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Alcoholic beverages, distilling, bottling, wholesale and distribution of.
- B. Ambulance service.
- C. Bus terminals.
- D. Convenience stores, pursuant to Section 92.09.
- E. Correctional facilities.
- F. Crematoriums.
- G. Disinfecting, exterminating and pest control services.
- H. Hazardous materials facility, pursuant to Chapter 9, Article 96.
- I. Health clubs, fitness centers and gymnasiums.
- J. Heliports and helistops.
- K. Manufacturing:
  - 1. Chemicals and related products:
    - a. Adhesives and sealants.
    - b. Agricultural chemicals (fertilizers and pesticides).
    - c. Antifreeze.
    - d. Dyes.
    - e. Explosives.
    - f. Fire Extinguishers.

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9. Organizations:
  - a. Business associations.
  - b. Labor and service organizations.
  - c. Professional membership organizations.
10. Research, development and testing services:
  - a. Agricultural and biological research, provided that all research involving the use of sludge and/or biosolid material be conducted within an enclosed building. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
  - b. Chemical research laboratories.
  - c. Engineering research laboratories.
  - d. Food research.
  - e. Industrial laboratories.
  - f. Testing laboratories; metallurgical, product, pollution, etc.
11. Food services, including:
  - a. Coffee shops.
  - b. Commissaries.
  - c. Delicatessens and sandwich shops.
  - d. Doughnut shops.
  - e. Drive through restaurants, pursuant to Section 92.01.
  - f. Walk-up food services.
12. Public, quasi-public and institutional uses:
  - a. Air pollution sampling stations.
  - b. Animal shelters.
  - c. Bus barns.
  - d. Disaster and emergency management offices.
  - e. Fire stations.



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- f. Parking lots.
- g. Post office and distribution center.
- h. Public utilities storage and maintenance yards
- i. Public works storage and maintenance yards
- j. Sheriff's stations.
- k. Utility facility, excluding major communication facilities. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

**Section 62.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone M-2 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Alcoholic beverages, distilling, bottling, wholesale and distribution of.
- B. Ambulance service.
- C. Bus terminals.
- D. Convenience stores, pursuant to Section 92.09.
- E. Correctional facilities.
- F. Crematoriums.
- G. Disinfecting, exterminating and pest control services.
- H. Hazardous materials facility, pursuant to Chapter 9, Article 96.
- I. Health clubs, fitness centers and gymnasiums.
- J. Heliports and helistops.
- K. Major communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- L. Manufacturing:
  - 1. Chemicals and related products:
    - a. Adhesives and sealants.
    - b. Agricultural chemicals (fertilizers and pesticides).
    - c. Antifreeze.
    - d. Dyes.

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- e. Explosives.
- f. Fire Extinguishers.
- g. Fireworks, flares, and pyrotechnics.
- h. Industrial chemicals.
- i. Manmade fibers.
- j. Paints, varnishes and lacquers.
- k. Perfumes, cosmetics, and other toilet preparations.
- l. Plastics and synthetic resins.
- m. Printing ink.
- n. Soaps and detergents and other cleaning preparations.
- o. Solvents.
- p. Synthetic rubber.

2. Fabricated metal products:

- a. Ammunition.
- b. Coatings and engraving.
- c. Electroplating.
- d. Ordnance and accessories.

3. Petroleum products:

- a. Asphalt coatings.
- b. Asphalt paving mixtures and batch plants.
- c. Asphalt sheathing, shingles and siding.
- d. Tar paper.

- L. Motor vehicle supplies and parts, used (wholesale)
- M. Outdoor offsite advertising, in conformance with the provisions of Article 88.
- N. Paint spray booths.
- O. Petroleum and petroleum products, wholesale sale and distribution.
- P. Radio and television towers.
- Q. Recycling centers:

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1. Heavy processing facilities, pursuant to Section 97.08.
  2. Large collection facilities, pursuant to Section 97.06.
  3. Light processing facilities, pursuant to Section 97.07.
- R. Rug cleaning plants.
- S. Sewage treatment. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
- T. Shooting range, indoor or outdoor.
- U. Stations for boarding and unboarding of passengers from public transportation modes, including bus and rail; not including stops having no permanent buildings, such as for Metrolink.
- V. Taxidermy.
- W. Truck stops, including eating and sleeping facilities.
- X. Weapons and/or ammunition; storage and warehousing.
- Y. Wrecking or salvage yards.
- Z. X-ray laboratories.

**Section 62.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the M-2 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

**A. Amusement machines**

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the M-2 zone, except that no amusement machines may be permitted within a convenience store.

**B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:**

1. Recycling containers, pursuant to Section 85.03.

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2. Trash compactors, pursuant to Section 85.02.
- C. Caretaker's residence, where legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
- D. Information kiosk, pursuant to Section 88.05.F.
- E. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- F. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.
- G. Signs, as permitted by Chapter 8, Article 88.
- H. Wire services for money transfer and Automated Teller Machines (ATM's).
- I. Massage, as an accessory use when permitted with the primary business of a health club, fitness center and gymnasium, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)
- J. Corporate Massage, when permitted with a primary industrial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. (*Zoning Ordinance Amendment 96-3, adopted by City Council January 8, 1997.*)
- K. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met: (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)



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1. The operations are contained within the main structure which houses the primary use;
2. Retail sales occupy no more than 15% of the total building square footage;
3. No retail sales or display of merchandise occur(s) outside the structure(s); and
4. All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises.

**Section 62.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the M-2 zone, pursuant to Section 24.12.

**Section 62.09 Standards of Development**

Premises in Zone M-2 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land created in Zone M-2 shall have a minimum lot area of not less than twenty thousand (20,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

**B. Lot width**

None required except as otherwise provided in Article 81 (Lot Width).

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**C. Building setbacks**

1. **Front yard** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*  
  
As provided in Section 61.09.C.1.
2. **Rear and side yards** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*  
  
As provided in Section 61.09.C.2.
3. **Projections into yards shall comply with Section 61.09.C.3.** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
4. **Setbacks for accessory structures**  
  
Setbacks for accessory structures shall be provided pursuant to Section 61.09.C. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

**D. Building height and coverage**

1. **Building heights** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
  - a. The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet except as permitted through approval of a conditional use permit (CUP). In approving a CUP for additional building height, the reviewing authority shall find that adequate setbacks are provided on the project site to mitigate adverse impacts on adjacent properties; that adequate fire protection is provided for the subject buildings; that all FAA clearance requirements are met; that maximum floor area ratio requirements

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are not exceeded; and that the height, bulk, massing, design, and placement of the building on the subject site will not adversely impact adjacent properties or the general public.

- b. The maximum height of accessory structures shall not exceed thirty-five (35) feet.
- c. No windows, balconies, stairways, or other areas where people could look out onto adjacent residential properties shall be permitted above the first floor on the side of a building which faces property designated for single-family residential use.

**2. Maximum lot coverage**

No lot or parcel of land in Zone M-2 shall have a lot coverage by buildings or structures in excess of fifty (50) percent of the lot area.

**3. Maximum floor area ratio** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

The ratio of total floor area to total lot area shall not exceed .5 (fifty percent), excluding amenities which may be approved by the reviewing authority, which may include but are not limited to child care facilities and employee fitness areas.

**E. Off-street parking and loading** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Each lot or parcel of land in Zone M-2 shall have off-street parking and loading facilities. Location and design of parking and loading facilities shall conform to applicable General Plan policies and to Article 87.

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**C. Building setbacks**

1. Front yard *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

As provided in Section 61.09.C.1.

2. Rear and side yards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

As provided in Section 61.09.C.2.

3. Projections into yards shall comply with Section 61.09.C.3. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

4. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 61.09.C. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

**D. Building height and coverage**

1. Building heights *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

- a. The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet except as permitted through approval of a conditional use permit (CUP). In approving a CUP for additional building height, the reviewing authority shall find that adequate setbacks are provided on the project site to mitigate adverse impacts on adjacent properties; that adequate fire protection is provided for the subject buildings; that all FAA clearance requirements are met; that maximum floor area ratio requirements



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are not exceeded; and that the height, bulk, massing, design, and placement of the building on the subject site will not adversely impact adjacent properties or the general public.

- b. The maximum height of accessory structures shall not exceed thirty-five (35) feet.
- c. No windows, balconies, stairways, or other areas where people could look out onto adjacent residential properties shall be permitted above the first floor on the side of a building which faces property designated for single-family residential use.

**2. Maximum lot coverage**

No lot or parcel of land in Zone M-2 shall have a lot coverage by buildings or structures in excess of fifty (50) percent of the lot area.

**3. Maximum floor area ratio** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

The ratio of total floor area to total lot area shall not exceed .5 (fifty percent), excluding amenities which may be approved by the reviewing authority, which may include but are not limited to child care facilities and employee fitness areas.

**E. Off-street parking and loading** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Each lot or parcel of land in Zone M-2 shall have off-street parking and loading facilities. Location and design of parking and loading facilities shall conform to applicable General Plan policies and to Article 87.

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**F. Signs**

Signs shall comply with the provisions of Article 88.

**G. Trash enclosures** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, and shall be located and designed in accordance with applicable General Plan Community Design policies and Section 85.01.

**H. Landscaping** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

At least ten (10) percent of the site shall be landscaped, in accordance with Sections 83.03 and 86.01 and applicable General Plan policies, except that the reviewing authority may reduce this requirement to no less than five (5) percent of the site, provided that areas visible from public rights-of-way and non-industrial uses or districts are adequately landscaped.

**I. Sidewalks** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Sidewalks shall be provided within the public right-of-way along all major and regional arterial streets, as depicted in the General Plan. Sidewalks may be required along secondary arterial, collector and local streets, or this requirement may be waived by the reviewing authority as part of the development review process.

**J. Special development standards** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

1. Each use in this Zone shall be established and operated in accordance with Article 84 (Performance Standards).

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2. Fences and walls shall be in conformance with Section 83.03 and 86.04 and the applicable policies of the General Plan Community Design Element.
3. Any portion of a lot or parcel used for outdoor storage, loading, parking, or other permitted outside use shall be paved according to the standards provided in Section 87.05.F., except that the reviewing authority may approve a reduction in the area required to be paved where it is determined that such area will be adequately screened and dust-proofed, and that construction of additional improvements is unnecessary.
4. All outdoor display and/or storage in Zone M-2 shall be screened from public rights-of-way and adjacent properties pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable policies of the General Plan Community Design Element. Where permitted, such outdoor areas shall be paved, landscaped, and lighted in accordance with the applicable sections of this Ordinance.
5. Screening shall be provided in conformance with the standards prescribed in Article 86 and applicable policies of the General Plan Community Design Element.
6. All business and manufacturing operations shall be conducted within an enclosed building unless specifically permitted by the reviewing authority and adequately screened from public view pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable policies of the General Plan Community Design Element.
7. Architectural design shall conform to the applicable Community Design policies contained in the General Plan.

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- K. Rail Service Standards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Rail access and design requirements shall be as provided in Section 61.09.K.



**ARTICLE 63 AIRPORT INDUSTRIAL (ZONE M-3)**

**Section 63.01 Intent and Purpose**

The Airport Industrial (M-3) Zone is established to provide an area for expansion of Palmdale Regional Airport and related facilities, and for activities associated with aircraft development, assembly, and testing. Activities conducted in this zone may include public and private airports; manufacture, assembly, testing, modification, repair and storage of aircraft, missiles, space craft and components; freight and distribution services ancillary to airport operations; and limited commercial or service uses needed to support the primary activities and/or employees within the area. Uses which would restrict or impede aircraft operations or the primary airport activities for which this zone was created are not allowed.

**Section 63.02 Locational Criteria**

The M-3 zone designation is appropriately located based on the following criteria:

- A. The area is owned by the City of Los Angeles Department of Airports, Air Force Plant 42, or other entity involved in airport operations or aircraft assembly and/or testing.
- B. The area is within reasonable proximity to an existing or future airfield or airport.
- C. The area has adequate access and has or will be provided with circulation, public services and infrastructure to support airport-related development.
- D. The area has slopes of less than ten (10) percent; is free of environmental constraints to industrial development; is adequately buffered from residential and other less intensive use designations; and has parcels of adequate size and shape to accommodate industrial and airport-related structures and all required

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setbacks and accessory uses. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

- E. Zone M-3 shall be consistent with the Airfield and Related Use (A&R) General Plan designation and policies for siting and development of industrial land uses.

#### **Section 63.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the M-3 zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
- B. Riding and hiking trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

#### **Section 63.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the M-3 zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

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- B. Temporary living quarters, subject to approval of a Temporary Use Permit pursuant to Section 27.03.B.3.
- C. Temporary office modules, subject to approval of a Temporary Use Permit pursuant to Section 27.03.B.4.
- D. Special events (such as air shows), pursuant to Section 27.03.A.

**Section 63.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the M-3 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Facilities and services related to aircraft production and repair, including:
  - 1. Aircraft and component parts; manufacture, testing, modification, repair, overhaul and storage of.
  - 2. Communication equipment, manufacture and testing of.
  - 3. Computers and electronic components, manufacture and testing of.
  - 4. Instruments and equipment, scientific, manufacture and testing of.
  - 5. Laboratories, research and testing.
  - 6. Machine shops.
  - 7. Machinery and machine tools, manufacture of.
  - 8. Machinery storage, indoor or outdoor.
  - 9. Metal products, fabrication of.
  - 10. Missiles; manufacture, testing, modification, repair, overhaul and storage.
  - 11. Missile tracking stations.
  - 12. Offices and administrative functions relating to aircraft manufacture or related industries.
  - 13. Research and development (aircraft-related).

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14. Space vehicles and component parts, except propulsion units; manufacture, testing, modifications, repair, overhaul and storage of.
15. Welding, electric or gas.

**B. Ancillary facilities and services related to airport operations, but excluding airports:**

1. Air cargo carriers.
2. Air courier and delivery services.
3. Aircraft cleaning, servicing and repairing, and storage.
4. Airfreight handling.
5. Air passenger carriers.
6. Airport hangar rental.
7. Airport limousine service.
8. Airport terminal services.
9. Airport transportation and shuttle services.
10. Air taxi services.
11. Air traffic control.
12. Ambulance services, air.
13. Hangar operations.
14. Flying charter services.

**C. Manufacture of transportation equipment:**

1. Motor vehicles, conversion to zero- or low-emissions engines.
2. Motor vehicle parts and service for zero- to low-emissions vehicles.
3. Railroad equipment.

**D. Facilities and services related to storage and distribution of freight, including:**

1. Cold storage plants.
2. Docking facilities.
3. Freight terminals.
4. Parcel delivery terminals.



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5. Railroad spur lines.
  6. Truck storage.
  7. Truck terminals.
  8. Warehousing of materials or products for which a Conditional Use Permit is not required for the manufacture, storage, distribution or wholesale of that product in either the C-5, M-1, M-2, M-3, or M-4 Zones.
  9. Weighing, public scales.
- E. Services provided primarily to meet the specialized needs of airport and aircraft related uses, and the personal needs of employees within the area.
1. Automobile, truck and trailer services, including:
    - a. Automobile service stations, pursuant to Section 92.11.
    - b. Automobile, truck and trailer rental.
    - c. Gas stations.
    - d. Parking lots and structures.
    - e. Washing, automobile and truck.
  2. Food services, including:
    - a. Coffee shops.
    - b. Commissaries.
    - c. Restaurants, bona fide.
    - d. Walk-up food services.
  3. Miscellaneous services, including:
    - a. Banks, savings and loans, and credit unions providing a full range of services and accredited by the appropriate agencies (may be subject to Section 92.01).
    - b. Boarding areas for public transportation (not including permanent stations).
    - c. Conference and meeting facilities.

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- d. Park and ride lots.
- e. Telecommuting, tele-conference and video-conference facilities.
- f. Transit stops.

**F. Public, quasi-public and institutional uses, including:**

- 1. Air pollution sampling stations.
- 2. Emergency operations centers.
- 3. Fire stations.
- 4. Museums.
- 5. Utility facilities, including substations, excluding major communication facilities. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

**Section 63.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone M-3 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits):

- 1. Aircraft fuel, propellants and lubricants; storage and sale.
- 2. Aircraft and missile power plants; manufacture, operating and testing, including reciprocating and jet engines.
- 3. Airports, public or private.
- 4. Bars and cocktail lounges, pursuant to Section 92.07.
- 5. Convenience stores, pursuant to Section 92.09.
- 6. Day care facilities, commercial.
- 7. Hazardous materials facility, pursuant to Chapter 9, Article 96.
- 8. Heliports and helistops.
- 9. Major communication facility, pursuant to Section 95.04, and provided that any such facility shall not exceed seventy-five (75) feet in height. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- 10. Paint spray booths.

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11. Sewage treatment. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
12. Shooting ranges, indoor.
13. Space vehicle propulsion units; manufacture, testing, modifications, repair, overhaul and storage of.
14. Stations for boarding and unboarding of passengers from public transportation modes, including bus and rail; not including stops having no permanent buildings, such as for Metrolink.

**Section 63.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the M-3 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

**A. Amusement machines**

Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the M-3 zone.

**B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:**

1. Recycling containers, pursuant to Section 85.03.
2. Trash compactors, pursuant to Section 85.02.

**C. Caretaker's residence, where legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)**

**D. Emergency first aid stations.**

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- E. Information kiosk, pursuant to Section 88.05.F.
- F. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- G. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.
- H. Signs, as permitted by Chapter 8, Article 88.
- I. Structures and features associated with pedestrian seating or amenity areas, including but not limited to gazebos, arcades, fountains, seats or benches, trash receptacles, art works or other landscape focal points, and kiosks providing directions or public information.
- J. Wire services for money transfer and Automated Teller Machines (ATM's) machines.
- K. Corporate Massage, when permitted with a primary industrial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*
- L. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
  - 1. The operations are contained within the main structure which houses the primary use;
  - 2. Retail sales occupy no more than 15% of the total building square footage;



3. No retail sales or display of merchandise occur(s) outside the structure(s).

**Section 63.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the M-3 zone, pursuant to Chapter 2, Section 24.12.

**Section 63.09 Standards of Development**

Premises in Zone M-3 shall be subject to the development standards prescribed in this section and those standards contained in Chapter 8 (General Standards of Development).

A. Lot area

Each lot or parcel of land in Zone M-3 shall have a minimum lot area of not less than twenty thousand (20,000) square feet, or the number following the zoning symbol (if any).

B. Lot width

None required except as otherwise provided in Article 81 (Lot Width).

C. Building setbacks

Except as otherwise required by Article 83, building setbacks in Zone M-3 shall be as follows:

1. Front yard (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

As provided in Section 61.09.C.

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2. Rear and side yards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

As provided in Section 61.09.C.2.

3. Projections into yards shall be provided pursuant to Section 61.09.C.3. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

4. Setbacks for accessory structures *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Setbacks for accessory structures shall be provided pursuant to Section 61.09.C.

**D. Building height and coverage**

1. Building height *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

- a. The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed six (6) stories or seventy-five (75) feet, except as permitted through approval of a conditional use permit (CUP). In approving a CUP for additional building height, the reviewing authority shall find that adequate setbacks are provided on the project site to mitigate adverse impacts on adjacent properties; that adequate fire protection is provided for the subject buildings; that all FAA clearance requirements are met; that maximum floor area ratio requirements are not exceeded; and that the height, bulk, massing, design, and placement of the building on the subject site will not adversely impact adjacent properties or the general public.

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- b. The maximum height of accessory structures shall not exceed thirty-five (35) feet.
- c. No windows, balconies, stairways, or other areas where people could look out onto adjacent residential properties shall be permitted above the first floor on the side of a building which faces property designated for single-family use.

2. Maximum lot coverage

No lot or parcel of land in Zone M-3 shall have a lot coverage by buildings or structures in excess of ninety (90) percent of the lot area.

- E. Off-street parking and loading *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Each lot or parcel of land in Zone M-3 shall have adequate off-street parking and loading facilities. Location and design of parking and loading facilities shall conform to the applicable General Plan policies and to Article 87.

- F. Signs

Signs shall comply with the provisions of Article 88.

- G. Trash enclosures *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, and shall be located and designed in accordance with applicable General Plan Community Design policies and Section 85.01.

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**H. Landscaping** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

At least ten (10) percent of the site shall be landscaped, in accordance with Sections 83.03 and 86.01 and applicable General Plan policies, except that the reviewing authority may reduce this requirement to no less than five (5) percent of the site provided that areas visible from public rights-of-way and non-industrial uses or districts are adequately landscaped.

**I. Sidewalks** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Sidewalks shall be provided within the public right-of-way along all major and regional arterial streets, as depicted in the General Plan. Sidewalks may be required along secondary arterial, collector and local streets, or this requirement may be waived by the reviewing authority as part of the development review process.

**J. Special development standards** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

1. Each use in this Zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. Fences and walls shall be in conformance with Sections 83.03 and 86.04 and the applicable policies of the General Plan Community Design Element.
3. Any portion of a lot or parcel used for outdoor storage, loading, parking, or other permitted outside use shall be paved according to the standards provided in Section 87.05.F., except that the reviewing authority may approve a reduction in the area required to be paved where it is determined that such area will be adequately screened and dust-proofed, and that construction of additional improvements is unnecessary.



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4. Screening shall be provide in conformance with the standards prescribed in Article 86 and applicable policies of the General Plan Community Design Element.
  5. All business and manufacturing operations shall be conducted within an enclosed building unless specifically permitted by the reviewing authority and adequately screened from public view pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable General Plan policies.
  6. Architectural design shall conform to the applicable Community Design policies contained in the General Plan.
- K. Rail Service Standards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Rail access and design requirements shall be as provided in Section 61.09.K.



**ARTICLE 64 PLANNED INDUSTRIAL (ZONE M-4)**

**Section 64.01 Intent and Purpose**

The Planned Industrial (M-4) Zone creates areas for light industrial and associated operations having high standards of performance. Operations are conducted primarily in enclosed buildings, with outdoor storage completely screened. The zone is intended for high-quality industrial parks or manufacturing areas which are developed pursuant to a comprehensive plan. Although smaller businesses are permitted in conjunction with larger developments in this zone, the intent is to achieve unified and cohesive employment centers rather than allowing piece-meal development or land subdivisions which could preclude future attraction of major uses.

**Section 64.02 Locational Criteria**

The M-4 zone designation is appropriately located based on the following criteria.

- A. The area is or will be occupied by master-planned industrial or business parks containing a variety of research and development, fabrication, assembly and supportive uses.
- B. The area has access from highways or arterial streets, and such access does not traverse residential neighborhoods or land use designations.
- C. The area is or will be served with adequate infrastructure to support light industrial uses.
- D. The area has slopes of less than ten (10) percent; is free of environmental constraints to industrial development; is adequately buffered from residential and other less intensive use designations; and has parcels of adequate size and shape to accommodate industrial structures and all required setbacks and accessory uses. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

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- E. Zone M-4 shall be consistent with the Business Park (BP) General Plan designation and policies for siting and development of industrial land uses.

**Section 64.03 Special Development Requirements**

- A. In order to meet the intent and purpose of the M-4 zone as stated in Section 64.01, provisions should be made in the planning process for integrated development plans which coordinate the efforts of multiple property owners and discourage piecemeal development. Master planning of M-4 zoned property is required to avoid development in a manner which would prevent or preclude future development of surrounding land in accordance with General Plan policies for Business Park development. Therefore, development in the M-4 zone shall be processed in accordance with a master plan, which may take one of the following forms:
1. A Specific Plan or a Planned Development, pursuant to Chapter 2, Article 28.
  2. A comprehensive Conditional Use Permit, pursuant to Chapter 2, Article 22.
  3. An area plan or other comprehensive development program determined by the Planning Director to meet the intent of the M-4 zone.
- B. Regardless of the procedure by which a master plan for development is processed in the M-4 zone, such a plan shall address the following considerations:
1. The area of the master plan should be based on logical planning boundaries and site conditions, rather than limited by individual parcel lines.



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2. The master plan should consider shared access, reciprocal parking, shared open space and amenity areas, the relationship of buildings to each other on adjacent parcels, and other design features to optimize use of the entire planning area as a functional unit.
  3. At a minimum the master plan should address conceptual building locations, heights and footprints; overall circulation, ingress and egress; parking layout; conceptual grading and drainage; and areas for common use.
  4. A statement of intent regarding building design and/or conceptual elevations should be provided to indicate architectural style, product types, form and materials.
  5. For larger projects, design guidelines should be developed to guide future individual building developers and maintain the integrity of the master plan concept.
- C. Future development within the area of a master plan may vary from the provisions of the plan, provided that the proposed project is compatible with the overall plan concept or develops an acceptable alternative master plan.

**Section 64.04 Uses Permitted Without Planning Approval**

The following uses are allowed in the M-4 zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.

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- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

**Section 64.05 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the M-4 zone in conjunction with an approved Master Plan pursuant to Section 64.03, and subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Special Events pursuant to Section 27.03.A.
- B. Minor communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- C. Trailer coaches, motor homes or manufactured homes on active construction sites for security personnel, subject to approval of a Temporary Use Permit pursuant to Chapter 2, Article 27.
- D. Temporary Office Modules on active construction sites, subject to approval of a Temporary Use Permit pursuant to Chapter 2, Article 27.

**Section 64.06 Uses Permitted Subject to Site Plan Review Approval**

In conjunction with an approved Master Plan pursuant to Section 64.03, the following uses are permitted in the M-4 zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan

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Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 1, Section 26.03.

A. Manufacturing, processing, assembly, packaging, treatment and fabrication of products, and on-site wholesaling of finished products produced on site, including:

1. Apparel and other textile products:

- a. Bags.
- b. Belts and accessories.
- c. Canvas products.
- d. Clothing.
- e. Curtains and draperies.
- f. Fur goods.
- g. Gloves.
- h. Hats, caps and millinery.
- i. Textile automobile products.
- j. Trimmings.

2. Furniture and fixtures:

- a. Drapery hardware, blinds, shades and shutters.
- b. Household furniture, wood or metal.
- c. Mattresses and bedsprings.
- d. Office furniture.
- e. Partitions and fixtures.

3. Paper and applied products:

- a. Bags and sacks.
- b. Die-cut paper, paperboard and cardboard products.
- c. Display items, fiberboard.
- d. Envelopes.

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- e. Folding paperboard boxes, including filing boxes.
  - f. Sanitary good containers.
  - g. Stationery products.
4. Printed and published products:
- a. Bookbinding.
  - b. Books.
  - c. Forms.
  - d. Greeting cards.
  - e. Lithography.
  - f. Miscellaneous printed materials.
  - g. Newspapers.
  - h. Periodicals.
5. Drugs and pharmaceuticals.
6. Leather products:
- a. Gloves
  - b. Handbags, purses and personal goods.
  - c. Luggage.
  - d. Miscellaneous leather products.
  - e. Shoes and boots.
7. Pottery and glass products:
- a. Products made from purchased glass.
  - b. White china and earthenware products, including table china, kitchen articles, art and ornamental ware, figures, and similar products.
8. Computer and office equipment:



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- a. Calculating and accounting machines.
  - b. Computer storage devices and equipment.
  - c. Computers and accessories.
  - d. Office Machines.
9. Electronic and other electrical equipment:
- a. Audio and video equipment.
  - b. Electron tubes.
  - c. Electronic components, including capacitors, resistors, cords, connectors, headphones, recording heads, etc.
  - d. Lighting fixtures and equipment.
  - e. Prerecorded audio tapes and disks.
  - f. Printed circuit boards.
  - g. Radio and television broadcasting and communication equipment.
  - h. Relays and controls.
  - i. Semiconductors and related devices.
  - j. Switchgear and switchboard apparatus.
  - k. Telephone apparatus.
  - l. Transformers.
  - m. Wiring devices.
10. Instruments for measuring, analyzing and controlling:
- a. Laboratory apparatus and analytical, optical, measuring and controlling instruments.
  - b. Ophthalmic goods.
  - c. Photographic equipment and supplies.
  - d. Search, detection, navigation, guidance, aeronautical and nautical systems and instruments.
  - e. Surgical, medical and dental instruments and supplies (excluding X-ray apparatus and related irradiation apparatus).
  - f. Watches, clocks, clockwork operated devices and parts.

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11. Miscellaneous manufacturing and industries:

- a. Artificial flowers, foliage and fruit.
- b. Christmas ornaments.
- c. Dolls, toys, games.
- d. Hair goods.
- e. Jewelry and lapidary work.
- f. Lamp shades.
- g. Musical instruments.
- h. Needlework kits.
- i. Novelties, buttons, notions.
- j. Pens, pencils and other artists materials.
- k. Signs and advertising.
- l. Silverware, plated ware, stainless steel ware.
- m. Sporting and athletic goods and equipment.

B. Research, development and testing services, including:

- 1. Agricultural and biological research, provided that all research involving the use of sludge and/or biosolid material be conducted within an enclosed building. (*Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.*)
- 2. Chemical research laboratories.
- 3. Engineering research laboratories.
- 4. Food research.
- 5. Industrial laboratories.
- 6. Testing laboratories; metallurgical, product, pollution, etc.

C. Professional services, including:

- 1. Engineering, architectural and surveying services.
- 2. Facilities support.
- 3. Medical and dental laboratories.
- 4. Medical facilities, industrial.

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5. Urban planning.
6. Urgent care facilities.

**D. Business repair and maintenance services, including:**

1. Administrative offices.
2. Advertising services.
3. Blueprinting and photocopy.
4. Business association offices.
5. Business equipment repair and servicing.
6. Computer and electronics repair.
7. Data processing.
8. Decorator and furnishing serving primarily business customers.
9. Design, graphic and product.
10. Detective and protective services.
11. Employment agencies.
12. Janitorial and cleaning services.
13. Management and public relations services.
14. Mechanical equipment repair.
15. Parcel delivery and mailing.
16. Photographic equipment repair.
17. Printing, lithography, publishing.
18. Stenographic, secretarial and clerical services.
19. Telephone exchanges and answering services.
20. Typesetting and printing.

**E. Financial and real estate services, including:**

1. Banks, savings and loans, and credit unions offering a full range of financial services and accredited by appropriate agencies (drive-through facilities are subject to Section 92.01).
2. Commodity services.
3. Holding and investment services.
4. Insurance carriers, agents and brokers.

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5. Real estate agents and brokers.
6. Title abstracting.

**F. Educational services, including:**

1. Business and secretarial schools and colleges.
2. Colleges and universities.
3. Trade, technical and vocational schools.
4. Traffic schools.

**G. Food services, including:**

1. Coffee shops.
2. Delicatessens and sandwich shops.
3. Doughnut shops.
4. Fast food restaurants, including drive-through windows, pursuant to Section 92.01.
5. Ice cream and yogurt shops.
6. Restaurants, bona fide.
7. Walk-up food services.

**H. Miscellaneous services, including:**

1. Ambulance services.
2. Locksmith.
3. Meeting facilities.
4. Professional membership organizations.
5. Radio and television broadcasting studios.
6. Recording studios.
7. Video-conference, tele-conference, and tele-commuting centers.

**I. Public, quasi-public and institutional uses, including:**

1. Air pollution sampling stations.



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2. Fire stations.
3. Government offices.
4. Parks and open space (including lighted play fields).
5. Post office; branch or main distribution center.
6. Transit-related facilities such as boarding areas and park-and-ride lots.
7. Utility facilities, buildings and equipment, excluding sewage pumping stations and treatment plants, and major communication facilities. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*

**Section 64.07 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone M-4 may be used for the following purposes, provided that a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits).

- A. Automobile service stations, pursuant to Section 92.11.
- B. Civic, social, service and labor organizations.
- C. Convenience stores, pursuant to Section 92.09.
- D. Gas stations.
- E. Health clubs, fitness centers and gymnasiums.
- F. Heliports and helistops.
- G. Major communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- H. Radio and television towers.
- I. Sheriff's station.

**Section 64.08 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the M-4 zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- A. Amusement machines

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Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-3 zone, except that no amusement machines may be permitted within a convenience store.

- B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:
  - 1. Recycling containers, pursuant to Section 85.03.
  - 2. Trash compactors, pursuant to Section 85.02.
- C. Caretaker's residence, where legally established use requires the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
- D. Information kiosk, pursuant to Section 88.05.E.
- E. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- F. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.
- G. Signs, as permitted by Chapter 8, Article 88.
- H. Wire services for money transfer and Automated Teller Machines (ATM's).
- I. Massage, when permitted with the primary business of a health club, fitness center and gymnasium, pursuant to Section 92.14 of the Zoning Ordinance and

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Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*

- J. Corporate Massage, when permitted with a primary industrial business, pursuant to Section 92.14 of the Zoning Ordinance and Section 5.04.560 of Chapter 5.04, Title 5, of the Municipal Code. *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*
- K. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met: *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*
  - 1. The operations are contained within the main structure which houses the primary use;
  - 2. Retail sales occupy no more than 15% of the total building square footage;
  - 3. No retail sales or display of merchandise occur(s) outside the structure(s); and
  - 4. All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises.

**Section 64.09 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the M-4 zone, pursuant to Chapter 2, Section 24.12.

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**Section 64.10 Standards of Development**

Premises in Zone M-4 shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land created in Zone M-4 shall have a minimum lot area of not less than twenty thousand (20,000) square feet net, or the number following the zoning symbol (if any), whichever is greater.

**B. Lot width**

None required except as otherwise provided in Article 81 (Lot Width).

**C. Building setbacks**

1. Front yard (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

As provided in Section 61.09.C.1.

2. Rear and side yards (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

As provided in Section 61.09.C.2.

3. Projections into yard shall comply with Section 61.09.C.3. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

4. Setbacks for accessory structures (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)



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Setbacks for accessory structures shall be provided pursuant to Section 61.09.C.4.

**D. Building height and coverage**

1. **Building height** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
  - a. The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet, except as permitted through approval of a conditional use permit (CUP). In approving a CUP for additional building height, the reviewing authority shall find that adequate setbacks are provided on the project site to mitigate adverse impacts on adjacent properties; that adequate fire protection is provided for the subject buildings; that all FAA clearance requirements are met; that maximum floor area ratio requirements are not exceeded; and that the height, bulk, massing, design, and placement of the building on the subject site will not adversely impact adjacent properties or the general public.
  - b. The maximum height of accessory structures shall not exceed thirty-five (35) feet.
  - c. No windows, balconies, stairways, or other areas where people could look out onto adjacent residential properties shall be permitted above the first floor on the side of a building which faces property designated for single-family residential use.
2. **Maximum lot coverage**

No lot or parcel of land in Zone M-4 shall have a lot coverage by buildings or structures in excess of fifty (50) percent of the lot area.

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3. Maximum floor area ratio *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

The ratio of total floor area to total lot area shall not exceed .5 (fifty percent), excluding amenities which may be approved by the reviewing authority, which may include, but are not limited to child care facilities and employee fitness areas.

- E. Off-street parking and loading *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Each lot or parcel of land in Zone M-4 shall have adequate off-street parking and loading facilities. Location and design of parking and loading facilities shall conform to applicable General Plan policies and to Article 87.

- F. Signs

Signs shall comply with the provisions of Article 88.

- G. Trash enclosures *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, and shall be located and designed in accordance with applicable General Plan Community Design policies and Section 85.01.

- H. Landscaping *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

At least ten (10) percent of the site shall be landscaped, in accordance with Sections 83.03 and 86.01 and applicable General Plan policies.

- I. Sidewalks *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Sidewalks shall be provided within the public right-of-way along all major and regional arterial streets, as depicted in the General Plan. Sidewalks may be

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required along secondary arterial, collector and local streets, or this requirement may be waived by the reviewing authority as part of the development review process.

**J. Special development standards** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

1. Each use in this Zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. Fences and walls shall be in conformance with Sections 83.03 and 86.04 and the applicable policies of the General Plan Community Design Element.
3. Any portion of a lot or parcel used for outdoor storage, loading, parking, or other permitted outside use shall be paved according to the standards provided in Section 87.05.F., except that the reviewing authority may approve a reduction in the area required to be paved where it is determined that such area will be adequately screened and dust-proofed, and that construction of additional improvements is unnecessary.
4. All outdoor display and/or storage in Zone M-4 shall be located wholly within an enclosed area or shall be screened from public rights-of-way and adjacent properties pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable General Plan policies. Where permitted, such outdoor areas shall be paved, landscaped and lighted in accordance with the applicable sections of this Ordinance.
5. Screening shall be provided in conformance with the standards prescribed in Article 86.
6. All business and manufacturing operations shall be conducted within an enclosed building unless specifically permitted by the reviewing authority

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and adequately screened from public view pursuant to Chapters 8 and 9 of this Zoning Ordinance and applicable General Plan policies.

7. Architectural design shall conform to the applicable Community Design policies contained in the General Plan.

- K. Rail Service Standards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Rail access and design requirements shall be provided in Section 61.09.K.







CHAPTER 7  
SPECIAL ZONES

ARTICLE 70 SPECIAL PURPOSE ZONES

Section 70.01 Designation of Special Purpose Zones

As used in this Ordinance, special purpose zones mean Zones:

- PF (Public Facilities)
- QR (Quarry and Reclamation)
- MX (Mixed Use Overlay)
- OR (Open Space and Recreation)
- C-D (Downtown Commercial) *(Zoning Ordinance Amendment 97-2 adopted by City Council April 10, 1997.)*

Section 70.02 Intent and Purpose

The special purpose zones are established to provide for unique or specialized uses or standards that may not, as a matter of course, fall into one of the four major categories of zones, (agricultural, residential, commercial or manufacturing zones). The special purpose zones are also intended to aid in the conservation of resources, to encourage the development of recreational areas and to provide facilities or standards to complement other zones consistent with the goals, policies and objectives of the General Plan.





**ARTICLE 71 PUBLIC FACILITIES (ZONE PF)**

**Section 71.01 Intent and Purpose**

The Public Facilities (PF) Zone is intended to provide for the continued use and the future development of public and quasi-public uses, including but not limited to schools, government administrative facilities, police and fire stations, libraries, park and recreational uses, community facilities and public open space areas. Due to the broad service function of this district and the difficulty of planning all public uses in advance, the PF zone may be designated throughout the planning area, provided the use does not conflict with other established uses and conforms to the General Plan.

**Section 71.02 Locational Criteria**

- A. The PF zone designation is appropriately located based upon the following criteria:
- B. The area is occupied, or will be occupied, by public or quasi-public uses or facilities.
- C. The area can physically accommodate the proposed use and adequate infrastructure is or will be available to support the intended use.
- D. The location shall be consistent with either the PF (Public Facilities) land use designation or OS (Open Space) designation on the General Plan land use map, and shall conform to applicable General Plan goals and policies

**Section 71.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the PF zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no

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sludge and/or biosolid material shall be applied to any land as a soil amendment.  
(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)

- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and posed no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance or stormwater runoff.
- E. Natural areas, open space areas, biological preserves.

### **Section 71.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the PF zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Special Events pursuant to Section 27.03.A.
- B. Minor communication facility pursuant to Section 95.04. (Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)
- C. Temporary Uses pursuant to Section 27.03.B.1 through 27.03.B.4. and 27.03.B.6.

### **Section 71.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the PF zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for

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**PUBLIC FACILITIES (ZONE PF)**

Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03. (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)

A. Recreational uses, including:

1. Archery ranges, public.
2. Fishing and casting ponds.
3. Parks, playgrounds and playfields, unlighted.
4. Recreation and community centers.
5. Senior citizen activity centers.
6. Swimming pools, public.
7. Tot lots, mini-parks.
8. Trail heads.

B. Public, quasi-public and institutional uses, including:

1. Fire stations.
2. Governmental administrative offices.
3. Libraries.
4. Maintenance and storage yards.
5. Park and ride facilities and other commuter related facilities.
6. Parking lots, municipal.
7. Performing arts theaters, indoor.
8. Post offices.
9. Public utilities, including administrative offices and facilities, excluding major communication facility. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
10. Tourist information centers.
11. Transit facilities including bus and train boarding areas (excluding depots and stations).
12. Utility corridors.
13. Vista points.
14. Water impoundment and groundwater recharge.
15. Water reservoirs or tanks.

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PUBLIC FACILITIES (ZONE PF)**

**C. Educational facilities, including:**

1. Art galleries.
2. Arboretums, botanical gardens.
3. Auditoriums.
4. Nature interpretive centers.
5. Museums.
6. Observatories.

**Section 71.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone PF may be used for the following purposes, provided a permit has first been obtained, pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits):

**A. Recreational uses, including:**

1. Amphitheaters.
2. Athletic fields, lighted, including baseball and football fields with all necessary grandstands and stadiums.
3. Campgrounds, picnic areas, and trails with overnight camping facilities.
4. Camps, youth.
5. Fairgrounds.
6. Golf courses and related facilities, excluding miniature golf and stand alone driving ranges.
7. Parks and playgrounds, lighted, with all appurtenant facilities customarily found or permitted in conjunction therewith.
8. Performing arts theaters, outdoor.
9. Race tracks.
10. Rifle, pistol or skeet ranges, public.
11. Rodeos, but not including horse racing.
12. Skating rinks, public (outdoor) *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
13. Sports arenas.



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B. Public, quasi-public and institutional uses, including the following:

1. Airports.
2. Courts, judicial centers.
3. Cemeteries.
4. Correctional facilities.
5. Heliports/helistops.
6. Hospitals, convalescent hospitals.
7. Major communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)Police stations.
8. Sanitary landfills.
9. Sewage pumping stations and force mains.
10. Transitional housing, including homeless shelters.
11. Treatment plants, sewer and water.

C. Educational facilities, including the following:

1. Private and public schools and colleges, but excluding trade or commercial schools.
2. Wild animal exhibitions.
3. Zoos.

**Section 71.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the PF zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- A. Accessory buildings or structures required for the storage of equipment or uses lawfully permitted.
- B. Boat rentals.
- C. Composting Facility, provided that all composting activities are conducted in an enclosed structure or vessel and that biosolid materials or sludge are not a

**CHAPTER 7 ARTICLE 71  
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constituent component of the material to be composted. *(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*

- D. Concessions, gift shops and similar limited retail sale of souvenirs and sundries related to the primary use.
- E. Day care facility.
- F. First aid stations.
- G. Information kiosk, pursuant to Section 88.05.F.
- H. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- I. Restaurants and other eating establishments; refreshment stands for the sale of ice cream, beverages and similar items.
- J. Other uses which function as incidental to a permitted primary use and which are similar to and not more objectionable than those accessory uses specifically listed above, as determined by the reviewing authority.

**Section 71.08 Other Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the PF Zone, pursuant to Chapter 2, Article 24.12.

**Section 71.09 Standards of Development**

Premises in Zone PF shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

- A. Lot area

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PUBLIC FACILITIES (ZONE PF)**

1. Each lot or parcel of land in Zone PF shall have a minimum lot area sufficient to accommodate all required parking, setbacks, landscaping, loading, trash enclosures and access requirements.

**B. Lot width**

1. None required except as other wise provided in this Ordinance.

**C. Yards**

**1. Front yard**

Each lot or parcel of land in Zone PF shall have a front yard of not less than twenty (20) feet in depth.

**2. Side yards**

Each lot or parcel of land in Zone PF shall have a side yard of not less than ten (10) feet in depth, except:

- a. Where a public facility abuts single family residentially designated property, a minimum 20-foot building setback shall be required from said property line.

**3. Rear yard**

Each lot or parcel of land in Zone PF shall have a rear yard of not less than ten (10) feet in depth, except:

- a. Where a public facility abuts single family residentially designated property, a minimum 20-foot building setback shall be required from said property line.

**4. Setbacks for accessory structures**

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Setbacks for accessory structures shall be provided pursuant to Section 82.02.

**D. Building height and coverage**

**1. Building height**

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed three (3) stories or forty-five (45) feet. The maximum height of accessory structures shall not exceed one story or seventeen (17) feet.

**2. Lot coverage**

No lot parcel of land in Zone PF shall have a lot coverage by buildings or structures in excess of ninety (90) percent.

**3. Maximum floor area ratio**

The ratio of total floor area to total lot area shall not exceed 1.0 (one hundred percent).

**E. Off-street parking and loading**

Each lot or parcel of land in Zone PF shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking).

**F. Signs**

Signs shall comply with the provisions of Article 88.

**G. Trash enclosures**

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, in accordance with Section 85.01.



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**H. Special development standards**

1. Each use in this zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. Fences and walls shall be in conformance with the standards prescribed in Section 82.03.
3. In the event that the permitted or conditionally permitted uses as listed in this Chapter are not conducted wholly within an enclosed building, the lot or parcel of land devoted to the use shall be paved according to the standards provided in Section 87.05.F., except that the Director may approve a reduction in the area required to be paved where it is determined that such area will be adequately screened and dust-proofed, and that construction of additional improvements is unnecessary.
4. All outdoor display and/or storage in Zone PF shall be located wholly within an enclosed area or shall be screened from public rights-of-way, unless otherwise permitted pursuant to an approved development plan. Where permitted, such outdoor areas shall be paved, landscaped and lighted in accordance with the applicable sections of this Ordinance.
5. All vehicle repair work shall be conducted in an enclosed building only.
6. Landscaping and screening shall be in conformance with the standards prescribed in Article 86.



**CHAPTER 7 ARTICLE 72  
QUARRY AND RECLAMATION (ZONE QR)**

**ARTICLE 72 QUARRY AND RECLAMATION (ZONE QR)**

**Section 72.01 Intent and Purpose**

The Quarry and Reclamation (QR) Zone is established to preserve those areas of the City which have been designated by the State of California as Significant Mineral Resource Areas, or which possess market grade mineral resources, in order to ensure long-term availability of these sites for the extraction and processing of rock, sand, gravel, and similar materials. Safeguards and controls are provided to minimize the possibility of quarry and related operations detrimentally affecting adjacent properties.

**Section 72.02 Locational Criteria**

The QR zone designation is appropriately located based upon the following criteria:

- A. The area has been designated by the state as possessing important mineral resources.
- B. The area has been subject to on-going or historic mining activity.
- C. The location shall be consistent with the General Plan land use designation of MRE (Mineral Resource Extraction).
- D. The area can physically accommodate mineral extraction activities and is supported by adequate infrastructure.
- E. The area is served by designated truck routes along arterial roadways.

## **CHAPTER 7 ARTICLE 72 QUARRY AND RECLAMATION (ZONE QR)**

### **Section 72.03 Special Requirements**

In order to comply with the provisions of the California Surface Mining and Reclamation Act of 1975 (SMARA; P.R.C. Sec. 2710 et seq.), P.R.C. Section 2207, and Title 14, Chapter 8, Section 3500 et seq. Of the California Code of Regulations, all mining related activities covered under SMARA will require approval of a reclamation plan, pursuant to Chapter 10, Section 102.02.

### **Section 72.04 Uses Permitted Without Planning Approval**

The following uses are allowed in the QR Zone without zoning clearance or other planning approval, except as required by state law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a soil amendment.  
*(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials, and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

### **Section 72.05 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the QR Zone, subject to the provisions of the Zoning Ordinance as specified in this Section.



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- A. Minor communication facility pursuant to Section 95.04. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
- B. Temporary living quarters, pursuant to Section 27.03.B.3.
- C. Temporary office modules, pursuant to Section 27.03.B.4.

**Section 72.06 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the QR zone subject to Site Plan Review Approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Construction/contractor's yard.
- B. Water injection wells, water percolation ponds.

**Section 72.07 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone QR may be used for the following purposes provided a reclamation plan has first been obtained for any mining activity, pursuant to the provisions of Article 102, and provided a permit has first been obtained, pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits), except as otherwise specified herein:

- A. Batching and mixing plants for cement and concrete.
- B. Batching and mixing plants for asphaltic concrete, asphalt or other petroleum-based materials when it can be clearly demonstrated that such use will not have a significant impact on groundwater or other resources.
- C. Clay, cement and concrete products, manufacture of.

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**QUARRY AND RECLAMATION (ZONE QR)**

- D. Major communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- E. Mining, quarrying, excavating, processing, removing and stockpiling of rock, sand, gravel, decomposed granite, clay, cinders, diatomaceous earth, shale, limestone, flagstone, decorative stone, and rip-rap and similar materials.
- F. Race tracks. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
- G. Recycled paving materials; stockpiling, crushing, and sale of.
- H. Rock crushing plants and aggregate dryers.
- I. Segregation and stockpiling of mined materials (and recovery of the same).
- J. Soil remediation units, mobil or stationary, operation of.
- K. Solid fill projects.
- L. Specialty plants using or processing rocks, sand, gravel, decomposed granite or clay.

**Section 72.08 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the QR Zone, provided that such uses are established on the same lot or parcel of land, are incidental to, and do not substantially alter the character of the permitted principal use.

- A. Equipment and supply storage.
- B. Incidental sales of gravel, sand, decorative stone, or other mineral materials.
- C. Office and repair shop structures.

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QUARRY AND RECLAMATION (ZONE QR)**

- D. Scales or weighing equipment.
- E. Truck storage.
- F. Other uses deemed by the reviewing authority which function as incidental to a permitted primary use and which are similar to and not more objectionable than those accessory uses specifically listed above.

**Section 72.09 Other Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the QR Zone, pursuant to Chapter 2, Section 24.12.

**Section 72.10 Standards of Development**

Property in Zone QR shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

- A. Lot area

Each lot or parcel of land created in the QR Zone shall have a minimum lot area of not less than five (5) acres.

- B. Lot width

None required except as otherwise required in this Ordinance.

- C. Yards

There shall be no excavations or structures within fifty (50) feet of:

- 1. Any public street, highway or flood control easement.

**CHAPTER 7 ARTICLE 72**  
**QUARRY AND RECLAMATION (ZONE QR)**

2. Any property in any zone other than Zone QR, except as provided in Section 72.10.F.2.f.

**D. Building height and coverage**

1. The ratio of total floor area to total lot area in the PF Zone shall not exceed .25 (twenty-five percent).
2. The height of a structure within the QR Zone shall not exceed one hundred (100) feet.

**E. Off-street parking and loading**

Each lot or parcel of land in Zone QR shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking).

**F. Special development and performance standards**

1. **Required Signage:** The outer boundaries of all property used for quarrying operations, involving the extraction and processing of rock, sand, gravel, decomposed granite, clay or similar materials shall be posted with signs carrying the message "QUARRY ZONE" in letters not less than four (4) inches in height, and in letters not less than one (1) inch in height, the message "This property may be used for the extraction and processing of rock, sand, gravel, decomposed granite, clay and similar materials, by Ordinance, City of Palmdale".

These signs shall be posted not more than five hundred (500) feet apart, with signs placed at each change in direction of the boundary lines of the property and displayed in such manner as to give reasonable notice to passers-by of the message contained thereon.



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2. All mining and quarrying operations, rock crushing plants and aggregate dryers shall be established and operated in accordance with the following standards:
  - a. All equipment and premises employed in conjunction with any of the uses permitted in the QR Zone shall, insofar as is practicable and feasible, be constructed, operated and maintained so as to suppress noise and vibration which are or may be injurious or annoying to persons living in the vicinity.
  - b. All private roads shall be kept wetted while being used or shall be oiled or hard-surfaced and maintained so as to prevent the emanation of dust.
  - c. All private access roads leading off any public street or highway onto property used for any purpose permitted in this zone shall be paved, with asphalt or concrete surfacing not less than three (3) inches in thickness, for the first fifty (50) feet of said access road.
  - d. No excavation or production from an open pit quarry shall be permitted which creates a slope steeper than one (1) foot horizontally to one (1) foot vertically.
  - e. No excavation or production shall be permitted nearer than fifty (50) feet of the boundary of the QR Zone.
  - f. No production shall be permitted nearer than fifty (50) feet of any lot line of adjoining property in any zone or district unless the written consent of the owner in fee of such property is first secured and recorded in the Los Angeles County Recorder's Office.
  - g. Prior to the start of any quarry operations the outer boundaries of the entire property shall be continuously enclosed by a six (6) foot high fence. Where adjacent to a public street or residentially zoned

**CHAPTER 7 ARTICLE 72**  
**QUARRY AND RECLAMATION (ZONE QR)**

area, required fencing shall be a view obstructing fence, wall or landscaped berm. Elsewhere, the fence may be constructed of chain link, provided however that the reviewing authority may, without notice or hearing, grant a modification to the provisions of this subsection where:

(1) Such property is located in the bed or flood channel of a wash or water course and such fencing would be impractical, or

(2) Topographic features, locational factors or other conditions create an unnecessary hardship or unreasonable situation making it impractical to require compliance with the fencing requirements contained in this subsection.

All such requests for modification shall be subject to the provisions of Article 102.

- h. All uses permitted in the QR Zone which are not conducted within an enclosed building shall confine all operations on the property to the hours between 6:00 a.m. and 10:00 p.m., Monday through Saturday, except in cases of public emergency or building repairs as are required to be made.
- i. Before commencing operation in any quarry the owner or operator shall secure insurance, to the extent of one hundred thousand dollars (\$100,000), against liability in tort arising from the production, activities or operations incident thereto conducted or carried on under or by virtue of any law or ordinance, and such insurance shall be kept in full force and effect during the period of such operations.

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QUARRY AND RECLAMATION (ZONE QR)**

- j. Comply with the provisions of the State Mining and Reclamation Act (SMARA), including preparation of reclamation plans and annual reports, provision of financial assurances, and the conducting of annual inspections, as specified in Article 102.
- G. Any signage, fencing, landscaping, parking, loading, trash enclosures or similar requirements shall conform to the applicable provisions of Chapter 8.





**CHAPTER 7 ARTICLE 73  
MIXED USE OVERLAY (MX) ZONE**

**ARTICLE 73 MIXED USE OVERLAY (MX) ZONE**

*(Zoning Ordinance Amendment 96-1 adopted by City Council April 10, 1996.)*

**Section 73.01 Intent and Purpose**

The Mixed Use (MX) Overlay Zone is established to facilitate the coexistence of residential and commercial land uses for the establishment and maintenance of dual use properties in appropriate areas. The designation is intended as a modifier to an underlying commercial zone, which would permit construction and operation of mixed residential/commercial projects within a common area. Where applied, the Mixed Use Overlay (MX) Zone is intended to enliven the business district in which it is applied by bringing additional residents into the business area during the evenings and weekends, and to provide an opportunity for downtown merchants, artisans and craftsmen to live where they work.

**Section 73.02 Locational Criteria**

The MX overlay zone is appropriately located based upon the following criteria.

- A. The area is substantially occupied by a mixture of single family or multiple family dwellings, commercial retail storefront shops, or general or professional office space.
- B. The nature of the existing and planned commercial uses are such that they are likely to be compatible with future residential uses.
- C. The area can physically accommodate all permitted uses and the required parking, loading, circulation and landscape requirements, and is supported by adequate infrastructure.

## **CHAPTER 7 ARTICLE 73**

### **MIXED USE OVERLAY (MX) ZONE**

- D. The location shall be consistent with the General Plan commercial siting criteria and other applicable policies, and the land use designations of DC (Downtown Commercial), CC (Community Commercial) or OC (Office Commercial).

#### **Section 73.03 Uses Permitted Without Planning Approval**

Any uses listed as permitted without Planning Department approval within the zone(s) to which this overlay is attached shall also be permitted within the MX Overlay Zone without Planning Department approval.

#### **Section 73.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

- A. Any uses listed as permitted subject to administrative approval within the zone(s) to which this overlay is attached shall also be permitted within the MX Overlay Zone subject to administrative approval. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
- B. Commercial uses which were converted from single-family residential structures may be reverted back to single-family residential uses provided they meet building code requirements for single-family residential use and that any additions or alterations to the structure comply with the appropriate provisions of the Zoning Ordinance. No new single-family residential units shall be permitted within the mixed use (MX) overlay zone. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

#### **Section 73.05 Uses Permitted Subject to Site Plan Review Approval**

- A. All uses permitted subject to Site Plan Review approval within the underlying zone(s) to which this overlay is attached shall also be permitted within the MX Overlay Zone subject to Site Plan Review approval.

**CHAPTER 7 ARTICLE 73  
MIXED USE OVERLAY (MX) ZONE**

- B. The MX Overlay Zone shall allow attached or detached Single Family Residential uses when located on the same lot or parcel as commercial or office uses permitted by the base zone designation, subject to the standards of development listed in Section 73.09 of this ordinance and Site Plan Review approval, unless otherwise approved in conjunction with a mixed use development plan.

**Section 73.06 Uses Permitted Subject to Approval of a Conditional Use Permit or Comprehensive Development Plan**

- A. All uses permitted pursuant to the provisions of Article 22 (Conditional Use Permits) within the underlying zone shall continue to be conditionally permitted within the MX Overlay, subject to approval of a Conditional Use Permit.
- B. Multiple family uses and mixed use projects containing no more than four dwelling units shall be permitted in the MX Overlay Zone subject to approval of a Conditional Use Permit and the standards listed in Section 73.09 of this ordinance for mixed use projects consisting of four (4) dwelling units or less.
- C. Multiple family uses and mixed use projects containing five (5) or more dwelling units shall be permitted within the MX Overlay subject to approval of a Comprehensive Development Plan (Article 28) and the standards listed in Section 73.09.

**Section 73.07 Accessory Uses and Structures Permitted**

The following accessory uses are permitted in the MX overlay zone.

- A. Any accessory use or structure permitted within a single family residence in the R-1 Zone shall be permitted for a single family residence within the MX Overlay Zone, subject to the applicable requirements specified in Article 41 (Zone R-1).

## **CHAPTER 7 ARTICLE 73**

### **MIXED USE OVERLAY (MX) ZONE**

- B. Any accessory use or structure permitted within the R-2 Zone shall be permitted for a multiple unit within the MX Overlay Zone, subject to the applicable requirements specified in Article 42 (Zone R-2).
- C. Any accessory use or structure permitted by the base zoning designations shall be permitted within the MX Overlay Zone, subject to the requirements specified in the base zone district.

#### **Section 73.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the MX Overlay Zone, pursuant to Chapter 2, Section 24.12.

#### **Section 73.09 Standards of Development**

Any projects in the MX Overlay Zone shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

- A. Except as specified in this Section or as may be approved in accordance with a Comprehensive Development Plan (Article 28), any commercial office or retail use, or any public, quasi-public or institutional use, shall be developed in conformance with the applicable standards contained in base commercial zone.
- B. Any alteration to an existing single family residential use shall conform to the applicable requirements of this section.
- C. Any alteration to an existing multiple family use shall conform to the applicable requirements of this section.



**CHAPTER 7 ARTICLE 73  
MIXED USE OVERLAY (MX) ZONE**

- D. The following standards shall apply to construction of any new residential structures within the MX Overlay Zone or to alterations of existing units as deemed applicable by the reviewing authority.
1. Construction of new residential units or conversion of existing structures to residential units shall only be approved in conjunction with a mixed use project.
  2. The proportion of residential to commercial floor area within a mixed use project shall not exceed a ratio of 2:1.
  3. Maximum residential density within any mixed use project shall not exceed 10 dwelling units per acre, with the exception of qualifying projects for which a density bonus agreement is approved.
  4. For those areas with base zoning designations primarily characterized by retail sales and service activities (i.e. C-3, C-D), residential units should be located above or behind the principle commercial use, as viewed from an abutting street or pedestrian paseo.
  5. For those areas with base zoning designations primarily characterized by general or professional office uses (C-2), no vertical or horizontal separation between residential uses and office uses is required.
  6. Development standards for residential uses within the Mixed Use Overlay Zone shall be as follows:
    - a. Required lot area, lot width and lot depth shall be that listed for the underlying commercial zone.
    - b. Maximum building height and minimum building setbacks shall be that listed for the underlying commercial zone.
    - c. Minimum building separation between commercial and residential structures shall be ten (10) feet unless attached.

**CHAPTER 7 ARTICLE 73**  
**MIXED USE OVERLAY (MX) ZONE**

- d. A minimum of 200 sq. ft. of usable private open space, consisting of a private yard, patio, deck, balcony or a combination of the above, shall be provided for each single family unit. Within multi-family residential projects, a minimum of 100 sq. ft. of usable private open space shall be provided.
- e. For projects consisting of more than ten (10) residential units, an area not less than the equivalent of 20 percent of the residential building area shall consist of areas devoluted to common recreational or social amenities, including, but not limited to recreation rooms, day care facilities, weight rooms, barbecue areas, etc.
- f. A minimum of one (1) dedicated enclosed parking space shall be required per residential unit. Residential garages shall not be counted towards meeting minimum commercial parking requirements. For purposes of this Section, dedicated parking spaces within a parking structure will meet this requirement.
- g. Except where preempted by the development standards contained in this section, single family residential units within the MX Overlay Zone shall conform with the standards listed in Section 41.09.G, and multiple family housing within the MX Overlay Zone shall conform with the standards provided in Section 42.09.G.2

**CHAPTER 7 ARTICLE 74  
OPEN SPACE AND RECREATION (ZONE OR)**

**ARTICLE 74 OPEN SPACE AND RECREATION (ZONE OR)**

**Section 74.01 Intent and Purpose**

The Open Space and Recreation (OR) Zone is intended to preserve areas for passive or active open space and recreational uses, and to limit development in areas which are not suited for permanent occupancy or intensive uses due to some specific characteristic of the land. Such lands may be subject to environmental hazards, may contain resources requiring preservation, or may be suitable for recreational uses. Typical uses within Zone OR include, but are not limited to, natural areas, golf courses, parks and other recreational facilities and open space areas. The OR zone may be designated throughout the planning area, provided the use does not conflict with other established uses.

**Section 74.02 Locational Criteria**

The OR zone designation is appropriately located based upon the following criteria.

- A. The area is occupied, or will be occupied, by private, public or quasi-public open space or recreational facilities.
- B. The area may be shown in the General Plan for recreational use, or on the General Plan Overlay Map as possessing sensitive environmental resources.
- C. The area may be subject to environmental hazards which limit or prohibit the use of the area for permanent occupancy.
- D. The area has adequate public services to accommodate the proposed use on a given site.
- E. The location shall be consistent with the General Plan OS (Open Space) Land Use designation.

## **CHAPTER 7 ARTICLE 74 OPEN SPACE AND RECREATION (ZONE OR)**

### **Section 74.03 Uses Permitted Without Planning Approval**

The following uses are allowed in the OR zone without zoning clearance or other planning approval, except as required by State law.

- A. Field, tree, bush, berry and row crops, including nursery stock, as an interim use, provided that no permanent structures are constructed, and provided that no sludge and/or biosolid material shall be applied to any land as a solid amendment. *(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- B. Riding, hiking and bicycle trails and appurtenant facilities.
- C. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- D. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.
- E. Natural areas, open space areas, biological preserves.

### **Section 74.04 Uses Permitted Subject to Administrative Approval by the Planning Director**

The following uses are permitted in the OR zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Special Events pursuant to Section 27.03.A.
- B. Minor communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*



**CHAPTER 7 ARTICLE 74  
OPEN SPACE AND RECREATION (ZONE OR)**

- C. Temporary Uses pursuant to Section 27.03.B.1 through 27.03.B.4 and Section 27.03.B.6.

**Section 74.05 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the OR zone subject to Site Plan Review approval, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Recreational uses, including the following:
1. Fishing and casting ponds.
  2. Playfields, unlighted.
  3. Trail heads.
  4. Vista points.
- B. Public facilities, including the following:
1. Water impoundment and groundwater recharge.
  2. Water reservoirs or tanks.
- C. Educational facilities, including the following:
1. Arboretums, botanical gardens.
  2. Interpretive centers.

**Section 74.06 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone OR may be used for the following purposes, provided a permit has first been obtained, pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits):

## **CHAPTER 7 ARTICLE 74**

### **OPEN SPACE AND RECREATION (ZONE OR)**

- A. Athletic fields, lighted, including baseball and football fields with all necessary grandstands and stadiums.
- B. Campgrounds, picnic areas, and trails with overnight camping facilities.
- C. Camps, youth.
- D. Country clubs.
- E. Fair grounds.
- F. Golf courses and related facilities, excluding miniature golf and stand alone driving ranges.
- G. Major communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- H. Parks and playgrounds, lighted, with all appurtenant facilities customarily found or permitted in conjunction therewith.
- I. Rifle, pistol or skeet ranges, public.
- J. Rodeos, but not including horse racing.
- K. Sports arenas.
- L. Theaters, outdoor but not including motion picture drive-in theaters.

#### **Section 74.07 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the OR zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

**CHAPTER 7 ARTICLE 74  
OPEN SPACE AND RECREATION (ZONE OR)**

- A. Accessory buildings or structures required for the storage of equipment or uses lawfully permitted.
- B. Boat rentals.
- C. Caretakers' residence, where legally established use requirements the continuous supervision of a caretaker or superintendent, if occupied only by such persons and their families, pursuant to the standards contained in Section 91.09. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
- D. Composting Facility, provided that all composting activities are conducted in an enclosed structure or vessel and that biosolid materials or sludge are not a constituent component of the material to be composted. *(Zoning Ordinance Amendment 97-1, adopted by City Council August 13, 1997.)*
- E. Concessions, gift shops, and similar limited retail sale of souvenirs and sundries related to the primary use.
- F. Day care facility.
- G. First aid stations.
- H. Information kiosk, pursuant to Section 88.05.F.
- I. Restaurants and other eating establishments; refreshment stands for the sale of ice cream, beverages and similar items.
- J. Other uses which function as incidental to a permitted primary use and which are similar to and not more objectionable than those accessory uses specifically listed above, as determined by the reviewing authority.

**CHAPTER 7 ARTICLE 74  
OPEN SPACE AND RECREATION (ZONE OR)**

**Section 74.08 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the OR Zone, pursuant to Chapter 2, Article 24.12.

**Section 74.09 Standards of Development**

Premises in Zone OR shall be subject to the development standards prescribed in this Section and those standards contained in Chapter 8 (General Standards of Development).

**A. Lot area**

Each lot or parcel of land in Zone OR shall have a minimum lot area sufficient to accommodate all required parking, setbacks, landscaping, loading, trash enclosures and access requirements.

**B. Lot width**

**1. Front yard**

Each lot or parcel of land in Zone OR shall have a front yard of not less than twenty-five (25) feet in depth.

**2. Side yards**

Each lot or parcel of land in Zone OR shall have a side yard of not less than twenty (20) feet in depth, except:

- a. Where a public facility abuts single family residentially designated property, a minimum 25-foot building setback shall be required from said property line.



**CHAPTER 7 ARTICLE 74  
OPEN SPACE AND RECREATION (ZONE OR)**

3. Rear yard

Each lot or parcel of land in Zone OR shall have a rear yard of not less than twenty (20) feet in depth, except:

- a. Where a public facility abuts single family residentially designated property, a minimum 25-foot building setback shall be required from said property line.

4. Setbacks for accessory structures

Setbacks for accessory structures shall be provided pursuant to Section 82.02.

C. Building height and coverage

1. Building height

The maximum height of a primary structure, as measured in accordance with Section 16.02, shall not exceed one (1) story or twenty (20) feet. The maximum height of accessory structures shall not exceed one story or seventeen (17) feet.

2. Lot coverage

No lot or parcel of land in Zone OR shall have a lot coverage by buildings or structures in excess of .25 (twenty-five percent).

D. Off-street parking and loading

Each lot or parcel of land in Zone OR shall have off-street parking and loading facilities as prescribed in Article 87 (Off-Street Parking and Loading).

**CHAPTER 7 ARTICLE 74**  
**OPEN SPACE AND RECREATION (ZONE OR)**

**E. Signs**

Signs shall comply with the provisions of Article 88.

**F. Trash enclosures**

An adequate number of trash enclosures shall be provided on site to meet the needs of each development, in accordance with Section 85.01.

**G. Special development standards**

1. Each use in this zone shall be established and operated in accordance with Article 84 (Performance Standards).
2. Fences and walls shall be in conformance with the standards prescribed in Section 82.03.
3. In the event that the permitted or conditionally permitted uses as listed in this Chapter are not conducted wholly within an enclosed building, the lot or parcel of land devoted to the use shall be paved according to the standards provided in Section 87.05.F., except that the Director may approve a reduction in the area required to be paved where it is determined that such area will be adequately screened and dust-proofed, and that construction of additional improvements is unnecessary.
4. All outdoor display and/or storage in Zone OR shall be located wholly within an enclosed area or shall be screened from public rights-of-way, unless otherwise permitted pursuant to an approved development plan. Where permitted, such outdoor areas shall be paved, landscaped and lighted in accordance with the applicable sections of this Ordinance.
5. Landscaping and screening shall be in conformance with the standards prescribed in Article 86.

**CHAPTER 7 ARTICLE 75  
DOWNTOWN COMMERCIAL (ZONE C-D)**

**ARTICLE 75 DOWNTOWN COMMERCIAL (ZONE C-D)**  
**(Zoning Ordinance Amendment 96-1 adopted by City Council April 10, 1996)**

**Section 75.01 Intent and Purpose**

The Downtown Commercial (C-D) Zone is established to implement the policies and design guidelines described in the Downtown Revitalization Plan. The downtown Commercial Zone is intended to create a pedestrian friendly environment which encourages people to stay and shop, dine and socialize in downtown Palmdale. The pedestrian zone between the street curb line and the entry facades of adjacent buildings should create a series of layers and a variety of visually interesting features that encourage visitors to explore and circulate in and around the retail venues.

**Section 75.02 Locational Criteria**

The Downtown Commercial (C-D) Zone is appropriately located based upon the following criteria.

- A. The area is occupied or will be occupied by stores and businesses which provide a wide variety of goods and services to the adjacent neighborhoods, those employed in the downtown area, and the community at large. The totality of uses within the downtown area should create a lively shopping environment which is primarily pedestrian in nature, particularly within the ground floor store front shops facing the abutting streets or pedestrian paseos.
- B. The area is located within reasonable walking distance of one of the traditional downtown arterial corridors, such as Palmdale Boulevard or Sierra Highway.
- C. The area can physically accommodate the intensity of development necessary to support an active pedestrian shopping environment as well as typical accessory uses such as mixed residential uses where appropriate, with infrastructure of adequate capacity to serve all anticipated uses.

**CHAPTER 7 ARTICLE 75  
DOWNTOWN COMMERCIAL (ZONE C-D)**

- D. The location shall be consistent with the General Plan Land Use Designation of Downtown Commercial for those areas where the locational criteria listed above are also satisfied.

**Section 75.03 Special Development Requirements**

The following special development requirements shall apply to property within the Downtown Commercial (C-D) Zone.

**A. Standards of Development**

1. Lot Size and Lot Width. Minimum lot size and lot width within the C-D Zone shall be the same as that required for the C-3 Zone.
2. Building Setbacks
  - a. Front: No minimum front yard setback is required, except as required in Article 83, or as needed to maintain adequate line-of-sight distance for traffic safety. Maximum front yard setback from the primary building facade footprint shall be 5 feet. Alcoves for doorways, and other types of minor architectural features may be set back a maximum of 7 feet from property line. Maximum front setback limitations shall not be applicable to outdoor dining areas or pedestrian seating areas. All required minimum and maximum building setbacks shall be measured from ultimate property line location. Maximum building setbacks may be increased upon a determination by the City Traffic/Transportation Engineer that additional setback distance is necessary to maintain adequate line-of-site distance for traffic safety in instances where driveways, streets or alleyways occur adjacent to existing or proposed buildings.



**CHAPTER 7 ARTICLE 75  
DOWNTOWN COMMERCIAL (ZONE C-D)**

- b. Side: None required, except as described in Article 83. Downtown commercial structures located on street corners shall maintain the front yard setbacks as described above along both street frontages.
  - c. Rear: None required except as described in Article 83.
- 3. Building Height. The maximum height of primary and secondary structures as measured in accordance with Section 16.02 shall not exceed two (2) stories or thirty-five (35) feet, excepting that area to the west of the extended alignment of 9th Street East and north of Avenue Q-6 in which the maximum building height shall not exceed four (4) stories or fifty (50) feet.
- 4. Projecting Architectural Features. Cantilevored awnings, canopies or other non-primary architectural features may be permitted to project over the public sidewalk, provided that the sidewalk is not located within a state highway right-of-way, subject to the following restrictions:
  - a. A minimum of seven (7) feet vertical clearance shall be maintained.
  - b. Projecting architectural features may project a maximum of six (6) feet, and must be set back a minimum of two feet from the face of curb. In those areas where curbs do not exist, projecting architectural features must be set back a minimum of two feet from the street side edge of the sidewalk.
  - c. Unless approved as a component of an overall project entitlement, a request for approval of projecting architectural features shall be processed in accordance with Section 26.04 (Minor Modification) subject to review and approval of the Planning Director.
  - d. Projecting architectural features shall present a consistent theme in terms of style, size, colors and materials within each development, and complementary to adjacent developments.

**CHAPTER 7 ARTICLE 75**  
**DOWNTOWN COMMERCIAL (ZONE C-D)**

5. Signage. All of the commercial signage provisions listed in Article 88 shall apply, in addition to, or as modified by the following:
  - a. Commercial storefronts within the downtown revitalization area shall be permitted under-canopy signage or small projecting signs for those centers with no canopies. Under-canopy/projecting signs shall be limited to one sign per business, a maximum of 4 sq. ft. per side and shall maintain the minimum distance and clearance requirements listed for architectural projections C.1 and C.2 above. Under-canopy or projecting signs shall be non-illuminated, and fabricated of routed or sandblasted wood, unless otherwise approved by the Planning Director. The overall style and color of under-canopy/projecting signs shall be consistent within the Downtown Commercial (C-D) Zone.
  - b. Pedestrian oriented downtown establishments (businesses which are not separated from the public sidewalk by a parking lot), shall be permitted to display one free standing portable sign adjacent to, or within the public right of way subject to the following restrictions:
    - (i) Signs within the public right of way must not disrupt vehicular or pedestrian access and may not in any way impede handicap accessibility or parking;
    - (ii) Freestanding portable signs shall not impede adequate line of sight for traffic safety, and are subject to removal or relocation as deemed necessary by the City Traffic/Transportation Engineer.
    - (iii) No more than one (1) portable freestanding sign may be displayed by each establishment. The maximum permitted area of freestanding portable signs shall be five (5) square feet per side (maximum 2 sides) or a height of five feet.
    - (iv) Freestanding portable signs shall be placed along the frontage of the business which it advertises, and shall not be

**CHAPTER 7 ARTICLE 75**  
**DOWNTOWN COMMERCIAL (ZONE C-D)**

placed in such a way as to block permanent signs or to significantly block the view of signage of any adjacent business.

- c. Directory signs shall be permitted at paseo entrances and within municipal parking areas. Directory signage shall not exceed thirty (30) square feet or five (5) feet in height. Within the downtown commercial area, directory signs may be either wall mounted or ground mounted. Location and number of Directory signs shall be subject to approval of a Directory Sign program by the Planning Director pursuant to Section 88.04.
- d. Information kiosks shall be permitted in the Downtown Commercial (C-D) zone per the standards specified in Section 88.05(F).
- e. (Reserved For Future Development Of Off-Site Business Directional Sign Program)

6. Parking.

- a. The Planning Director may approve a lesser amount of on-site parking than that listed in Article 87 of this ordinance subject to approval of a Downtown Parking Reduction Study as outlined in Article 23 (Minor Exception) of this ordinance.
- b. The ten (10%) percent limitation on locating parking spaces in the rear lot area shall not apply within the Downtown Commercial (C-D) Zone.
- c. No requirement shall exist within the Downtown Commercial (C-D) zone for parking to be located on the same lot or a contiguous lot to the use being served, provided that the location of the shared parking is not greater than 500 feet from the use being served.

**CHAPTER 7 ARTICLE 75**  
**DOWNTOWN COMMERCIAL (ZONE C-D)**

- d. Loading zone requirements shall consist of those listed in Article 87 of the Zoning Ordinance except where modified in conjunction with a Downtown Parking Reduction Study as outlined in Section 23.03.B.12.
- 7. Pedestrian Amenities. Provision of pedestrian amenities shall be required with new construction and for major modification to existing construction, except where it is determined by the reviewing authority that location of any such improvements on the site is infeasible. Pedestrian amenities shall consist of one or more of the following in keeping with the quality and character of designs as described in the Downtown Revitalization Plan:

Arcades  
Landscaped Open Spaces  
Outdoor dining facilities  
Outdoor litter receptacles  
Paseos  
Plazas  
Seating Areas  
Shade trees  
Shade structures  
Visual Focal Points  
Wind sheltering devices

The number, size, design and type of amenities required on each site will be subject to the review and approval of the reviewing authority for each project.

- 8. Building Design. All new project proposals and major modifications to existing structures shall be reviewed for consistency with the architectural guidelines and standards contained within Chapter 8 of the Downtown Revitalization Plan and the Community Design Element of the General Plan.



**CHAPTER 7 ARTICLE 75  
DOWNTOWN COMMERCIAL (ZONE C-D)**

9. Outdoor Display. Outdoor display of merchandise shall be permitted subject to the following restrictions:
- a. Displayed merchandise shall consist of new merchandise only.
  - b. Displayed merchandise shall not be located within the public right-of-way.
  - c. Displayed merchandise shall not obstruct handicap or fire department access to any doorway or walkway.
  - d. Displayed merchandise shall not extend beyond the frontage of the business displaying such merchandise.
  - e. Displayed merchandise shall not be placed in such a way as to significantly block visibility of the merchandise or signage of an adjacent business.

**Section 75.04 Uses Permitted Without Planning Approval**

The following uses are allowed in the Downtown Commercial (C-D) Zone without zoning clearance or other planning approval, except as required by State law.

- A. Bicycle trails and appurtenant facilities.
- B. Storage, temporary, of materials and equipment used in construction of public or private improvements, provided that all such items are stored on the construction site and pose no traffic hazard or other adverse impact on surrounding properties.
- C. Temporary and permanent facilities for detention, retention and conveyance of stormwater runoff.

## **CHAPTER 7 ARTICLE 75**

### **DOWNTOWN COMMERCIAL (ZONE C-D)**

#### **Section 75.05 Uses Permitted Subject to Administrative Approval By The Planning Director**

The following uses are permitted in the Downtown Commercial (C-D) Zone, subject to the provisions of the Zoning Ordinance as specified in this Section.

- A. Special Events, pursuant to Section 27.03.A.
- B. Minor communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
- C. Temporary Uses as contained in Section 27.03.B.1 through Section 27.03.B.4.

#### **Section 75.06 Uses Permitted Subject to Site Plan Review Approval**

The following uses are permitted in the Downtown Commercial (C-D) Zone subject to Site Plan Review approval, provided the building design and placement, colors and materials, site development, scale and intensity of the intended use are found to be consistent with the goals, objectives and policies of the Downtown Revitalization Plan, except that when such a use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

- A. Retail sale of goods generally characterized by relatively short-term utility or consumption, including the following:
  - 1. Automotive parts (new retail only).
  - 2. Bakeries, including baking only when incidental to retail sales from the premises.
  - 3. Bicycles, parts and accessories.
  - 4. Book stores.
  - 5. Confectionery and candy stores.
  - 6. Cosmetics and accessories.
  - 7. Drug stores and pharmacies.

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**DOWNTOWN COMMERCIAL (ZONE C-D)**

8. Florist shops.
9. Gift shops.
10. Grocery stores, food, meat and produce markets, excluding convenience stores.
11. Hardware stores.
12. Hobby, yarn and craft shops.
13. Jewelry stores.
14. News stands.
15. Pet shops and supplies.
16. Specialty clothing shops.
17. Stationary stores.
18. Variety stores.
19. Video rental and sales.

**B. Retail sale of goods generally characterized by relatively long-term utility or consumption, including:**

1. Antique stores, excluding thrift, pawn and secondhand stores.
2. Apparel and clothing accessories.
3. Appliances, household.
4. Art, drafting and graphics supplies.
5. Carpeting, tile and floor coverings.
6. Commercial nursery, retail.
7. Computers and accessories, sales and service.
8. Dishes, china, glassware, and metalware.
9. Draperies, blinds, shades and other window coverings.
10. Dry goods and notions.
11. Department stores and general merchandise stores
12. Fur and leather goods.
13. Furniture.
14. Galleries for display and sale of paintings, sculpture, pottery and other works of art.
15. Jewelry, precious metals, coins, stamps and other collectibles.
16. Lawn and garden equipment and supplies.

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**DOWNTOWN COMMERCIAL (ZONE C-D)**

17. Motorcycles and off-road recreational vehicles, new.
18. Musical instruments and supplies.
19. Paint, varnish and lacquer sales.
20. Pet shops and supplies.
21. Phonograph records, cassette tapes, compact disks and videotapes.
22. Photographic equipment and supplies.
23. Prints and frames.
24. Radio, television, stereo and other audiovisual equipment.
25. Stationery and office supplies.
26. Toys, sport and athletic equipment.
27. Wallpaper, interior decorating supplies and upholstery.

**C. Services provided to individuals and businesses, including:**

1. Food services, including:
  - a. Catering services.
  - b. Delicatessens and sandwich shops.
  - c. Doughnut shops.
  - d. Coffee shops.
  - e. Fast food restaurants (excluding drive-through windows).
  - f. Ice cream and yogurt shops.
  - g. Restaurant, bona-fide.
2. Personal services, including:
  - a. Barber and beauty shops.
  - b. Dry cleaners and launderers.
  - c. Locksmith.
  - d. Mail and photocopy services.
  - e. Photographic studios and processors.
  - f. Suntan parlors.
  - g. Travel agencies.
3. Repair and maintenance services, including:



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- a. Apparel repair, alterations and tailoring.
  - b. Bicycle repair.
  - c. Business equipment repair and servicing.
  - d. Computer and electronics repair.
  - e. Photographic equipment repair.
  - f. Radio, television and stereo repair.
  - g. Shoe repair and shoe shine.
  - h. Small appliance repair.
  - i. Watch, clock and jewelry repair.
  - j. Repair and service of any article which is permitted to be sold in Zone C-D pursuant to an approved Site Plan Review.
4. Financial and real estate services, including:
- a. Banks, savings and loans, and credit unions offering a full range of financial services and accredited by appropriate agencies (drive-through facilities subject to Section 92.01).
  - b. Commodity services.
  - c. Escrow companies.
  - d. Holding and investment services.
  - e. Insurance carriers, agents and brokers.
  - f. Mortgage services.
  - g. Notary public.
  - h. Real estate agents and brokers.
  - i. Real estate developers and builders (office only).
  - j. Title abstracting.
5. Professional services, including:
- a. Accounting, auditing, bookkeeping and financial services.
  - b. Attorneys and legal services.
  - c. Counseling (marriage and family).
  - d. Engineering, architectural and planning services.

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- e. Interior decorating.
  - f. Medical and dental laboratories.
  - g. Medical services, outpatient, including urgent care centers.
  - h. Physicians, surgeons, chiropractors, osteopathic physicians, dentists, oral surgeons, orthodontists, and other medical specialists.
  - i. Prescription pharmacy and optical services.
6. Business services, including:
- a. Advertisement, business and management.
  - b. Blueprinting and photocopy.
  - c. Collection agencies.
  - d. Computer systems design.
  - e. Consulting.
  - f. Detective and protective services.
  - g. Design and decorator business primarily serving business customers rather than individuals.
  - h. Employment agencies.
  - i. Graphic design services.
  - j. Mailing and parcel post.
  - k. Message service.
  - l. Sign painting and lettering.
  - m. Stenographic, secretarial, and clerical.
  - n. Tax preparers.
  - o. Tele-commuting, tele-conference, and video-conference facilities.
  - p. Telephone exchanges and answering services.
  - q. Telephone marketing and solicitation.
  - r. Typesetting and printing.
7. Educational services, including:
- a. Business and secretarial schools and colleges.
  - b. Day care facility, commercial, pursuant to Section 92.12.
  - c. Studios for the performing arts, martial arts or gymnastics.

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- d. Trade, technical and vocational schools (excluding truck driving schools).
  - e. Traffic schools.
8. Miscellaneous services, including:
- a. Administrative offices.
  - b. Adoption agencies.
  - c. Business association offices.
  - d. Meeting facilities.
  - e. Parking lots and structures, commercial off-site, pursuant to Section 87.05.
  - f. Parking lots and structures, municipal/public.
  - g. Pet grooming.
  - h. Photo finishing.
  - i. Professional membership organizations.
  - j. Recording studios.
  - k. Security systems.
  - l. Tourist information centers.
- D. Public, quasi-public and institutional uses of a scale compatible and consistent with the intent of the C-D zone, including:
- 1. Convalescent care facilities.
  - 2. Court facilities.
  - 3. Fire stations.
  - 4. Government administrative offices (office use only).
  - 5. Libraries.
  - 6. Museums.
  - 7. Parks, playgrounds, and open space (excluding lighted playfields).
  - 8. Post office.
  - 9. Recreational centers, including senior centers (indoor operations and facilities only).
  - 10. Transit-related facilities such as boarding areas and park-and-ride lots.

**CHAPTER 7 ARTICLE 75**  
**DOWNTOWN COMMERCIAL (ZONE C-D)**

**Section 75.07 Uses Permitted Subject to Approval of a Conditional Use Permit**

Premises in Zone C-D may be used for the following purposes, provided a permit has first been obtained pursuant to the provisions of Chapter 2, Article 22 (Conditional Use Permits) and provided the building design and placement, colors and materials, site development, scale and intensity of the intended use are found to be consistent with the goals, objectives and policies of the Downtown Revitalization Plan.

**A. Retail sale of goods:**

1. Farmer's market or similar market of new items, including food crafts or horticultural products. No swap meets or flea markets shall be permitted.
2. Consignment shops.

**B. Provision of services to individuals and businesses, including:**

1. Automobile repair, light
2. Bars and cocktail lounges, pursuant to Section 92.07.
3. Civic, social and fraternal organizations.
4. Financial services, other than permitted by Section 53.05.C.5., offering check cashing, money orders, and similar services.
5. Health clubs, fitness centers and gymnasiums.
6. Hotels and motels.
7. Wedding chapels.
8. Repair and servicing of any article which is permitted to be sold in Zone C-D pursuant to an approved Conditional Use Permit.

**C. Entertainment establishments, including:**

1. Amusement arcades.
2. Amusement facilities, outdoor, including water slides, miniature golf, go cart tracks, and other similar or appurtenant uses.
3. Amusement parks.
4. Entertainment uses utilizing parking lot locations, such as street hockey, remote control vehicle racing, etc., subject to Section 87.06.D.



**CHAPTER 7 ARTICLE 75  
DOWNTOWN COMMERCIAL (ZONE C-D)**

5. Family entertainment centers.
6. Nightclubs, pursuant to Section 92.07.
7. Skating rinks, indoor or outdoor, ice or roller.
8. Theaters, live performance.
9. Theaters, motion picture, excluding drive-in.

D. Public, quasi-public and institutional uses, including:

1. Amphitheaters, outdoor.
2. Churches, temples, and other places of religious worship and study, pursuant to Section 94.01.
3. Conference and convention centers.
4. Government administrative facilities requiring outdoor storage and/or operations such as fleet maintenance, helipads, materials or equipment storage and maintenance.
5. Hospitals.
6. Lighted public recreational facilities and fields.
7. Major communication facility pursuant to Section 95.04. *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
8. Radio or television broadcast studios pursuant to Section 95.04 *(Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.)*
9. Social care facilities, including transitional housing and emergency shelters.
10. Sports arena, stadium or complex.

**Section 75.08 Accessory Uses and Structures Permitted**

The following accessory uses and structures are permitted in the C-D zone, provided that such uses are established on the same lot or parcel of land as the permitted principal use, and that such accessory uses are incidental to and do not substantially alter the character of the principal use.

- A. Amusement machines. Not more than four (4) amusement machines may be permitted as an accessory use within a primary use in the C-D zone.

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**DOWNTOWN COMMERCIAL (ZONE C-D)**

- B. Areas designated and designed for the temporary storage of trash and recyclable materials, including the following:
  - 1. Recycling containers, pursuant to Section 85.03.
  - 2. Reverse vending machines, pursuant to Section 97.04.
  - 3. Small collection facilities, pursuant to Section 97.05.
  - 4. Trash compactors, pursuant to Section 85.02.
- C. Health facilities, mobile.
- D. Newspaper dispensing devices, pursuant to Section 12.08.030 of the Municipal Code.
- E. Services provided to meet the needs of employees on site, including employee cafeterias, day care centers, health clubs, exercise tracks, gymnasiums or work out rooms, showers and similar uses. For purposes of calculating permitted floor area ratio, these uses may be exempted from the calculation.
- F. Signs, as permitted by Article 88.
- G. Structures and features associated with pedestrian or customer seating or amenity areas, including but not limited to gazebos, arcades, fountains, seats or benches, outdoor eating areas, trash receptacles, art works or other landscape focal points, pursuant to Section 92.02.
- H. Telephones, public, located within the building of a primary use. No freestanding outdoor telephones or telephone booths shall be permitted.
- I. Wire services for money transfer and Automated Teller Machines (ATM's).

**CHAPTER 7 ARTICLE 75  
DOWNTOWN COMMERCIAL (ZONE C-D)**

**Section 75.09 Similar Uses Permitted by Planning Director Determination**

The Planning Director may determine that an unlisted use is similar to and not more objectionable to the general welfare than those uses specifically listed in the C-D zone, pursuant to Section 24.12. Any such determination shall be evaluated for conformance with the Downtown Revitalization Plan.

**Section 75.10 Special Standards of Development**

Ground level store front shops facing public streets shall be occupied by retail users, restaurants, entertainment uses, service oriented commercial uses or other activity producing uses. Within two story structures, general and professional offices should be located primarily on the second story within the downtown district









**CHAPTER 8 ARTICLE 80  
GENERAL STANDARDS OF DEVELOPMENT**

**CHAPTER 8  
GENERAL STANDARDS OF DEVELOPMENT**

**ARTICLE 80 DEVELOPMENT STANDARDS**

**Section 80.01 Purpose and Intent**

The development standards included in this Chapter are intended to clarify and complement the provisions and standards governing development in each zone.

**Section 80.02 Applicability**

The development standards contained in this Chapter shall apply to all uses, buildings and structures in every zone, and shall be in addition to the property development standards specific to each zone. In the event of a conflict between the provisions of this Chapter and other provisions of this Ordinance, the more restrictive of the provisions shall apply.

**Section 80.03 Nuisances**

Neither the provisions of this Ordinance nor the granting of any permit provided for in this Ordinance authorizes or legalizes the maintenance of any public or private nuisance.





**CHAPTER 8 ARTICLE 81  
PARCEL REQUIREMENTS**

**ARTICLE 81 PARCEL REQUIREMENTS**

**Section 81.01 Lot Area**

**A. Easements on required area**

A street or highway easement may be included in the net area calculation for the purpose of determining the minimum required lot area only in the following circumstances:

1. Said lot or parcel of land is a legal lot of record; and the total area subject to all such easements includes not more than ten (10) percent of the required lot area; or
2. The required area for said lot or parcel of land is one (1) acre or more; the total area subject to all such easements includes not more than ten (10) percent of the required lot area; and the net area of the lot not subject to such easement(s) is minimum forty thousand (40,000) square feet.

**B. Required area reduced by public use**

If a lot or parcel of land has not less than the required area, and after the creation of such lot or parcel of land a part thereof is acquired for public use exclusively, in any manner including dedication, condemnation or purchase, and if the remainder of such lot or parcel of land has not less than ninety (90) percent of the required area, but in no event less than forty-five hundred (4,500) square feet, then such remainder shall be considered as having the required area.

**C. Use of a lot or parcel having less than required area**

Where a portion of a lot or parcel of land is sold or transferred and as a result of such sale or transfer one (1) or more parcels are created of such an area as to

## **CHAPTER 8 ARTICLE 81 PARCEL REQUIREMENTS**

no longer conform to the requirements of this Article, then in the determination of the permissible number and location of any buildings on any lot or parcel of land so created by such sale or transfer, the portion sold or transferred and the remainder shall be considered as one (1) parcel.

### **Section 81.02 Lot Width**

#### **A. Width reduced by public use**

If a lot or parcel of land has not less than the required width and after creation of such lot or parcel of land a portion of its width is acquired for public use exclusively, in any manner including, but not limited to dedication, condemnation or purchase, and if the remainder of such lot or parcel of land has not less than seventy (70) percent of the required width, but in no event less than fifty (50) feet, such remainder shall be considered as having the required width.

### **Section 81.03 Lot Frontage and Access**

#### **A. Required frontage**

Each lot or parcel of land shall have a street or highway frontage of not less than forty-five (45) feet, except as provided in Subsection B below.

#### **B. Flag lots**

Flag lots may be permitted by the reviewing authority if the following criteria are met in the project:

**CHAPTER 8 ARTICLE 81  
PARCEL REQUIREMENTS**

1. The flag lot is necessary to preserve slopes, ridgelines, significant habitat areas, and other significant resources;
2. The body of the lot meets the lot area, width and depth requirements of the zone;
3. The handle portion of the lot is at least twenty (20) feet in width and not more than one hundred and twenty (120) feet in length;
4. The lot has at least twenty (20) feet of frontage on a public or private street which frontage serves as access to the subject lot only;
5. The portion of driveway providing access from the street should be only ten feet wide to minimize paved surface and maximize landscaping potential;
6. The address is clearly visible from the street for emergency vehicles.

C. Access onto regional, major, or secondary arterials and highways

No new direct driveway access from a single family residential lot onto regional, major, or secondary arterials and highways designated on the Palmdale General Plan shall be permitted after the effective date of this Ordinance, except when specifically permitted by the City Engineer for an existing legal lot of record when no alternative access is available.

**Section 81.04 Identification or Designation of Lot Lines in Doubt**

The Planning Director shall identify or designate the front, side, or rear lot lines in cases where the identification or designation of such lot lines is unclear, including but not limited to the following situations:

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- A. Corner lots or parcels of land with two (2) street and/or highway frontages approximately equal in length;
- B. Through lots or parcels of land fronting on two (2) or more streets and/or highways;
- C. Flag lots or parcels where the only contiguous boundary to a public street or highway is provided by a driveway or other private access.



**CHAPTER 8 ARTICLE 82  
YARDS AND LOCATION OF BUILDINGS**

**ARTICLE 82 YARDS AND LOCATION OF BUILDINGS**

**Section 82.01 Required Yards**

Each lot or parcel of land shall have minimum front, side, and rear yard setbacks as required for the zone in which the property is located (Chapters 4, 5, 6, and 7 of this Ordinance), for the specific use when applicable (Chapter 9 of this Ordinance), or by this Article, whichever requirement is the greatest, except as modified by an adopted Specific Plan or Planned Development.

**A. Setbacks along public and private streets for commercial, industrial, and multi-family residential buildings**

All commercial, public/institutional, office, and multi-family residential buildings shall maintain a minimum building setback measured from the public right-of-way (or the edge of the curb for private streets) to the nearest edge of the building as follows except as otherwise provided in this Ordinance or in an adopted comprehensive development plan: *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

1. **Arterials:** A minimum building setback of thirty (30) feet, including a minimum of twenty feet (20') of landscaping along all designated arterials. Arterials are defined by the General Plan Circulation Element and indicated on the City's Circulation Plan Map. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
2. **Local and collector streets:** Except as otherwise required in Section 83.03.A.1, a minimum building setback of twenty (20) feet, including a minimum of ten (10) feet of landscaping shall be provided along local and collector streets, both public and private. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

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### **YARDS AND LOCATION OF BUILDINGS**

3. Freeway: Within commercial or industrial zones, a minimum building setback of twenty (20) feet, which shall be landscaped, shall be provided along freeway frontage. Within residential zones, a building setback of fifty (50) feet shall be provided for principal residential buildings, including a minimum of twenty (20) feet of landscaping, along freeway frontage. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

- B. Commercial and industrial buildings contiguous to residential use, and multi-family residential buildings contiguous to single-family residential use *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Setbacks for commercial buildings contiguous to property designated for residential use, and setbacks for multi-family residential buildings contiguous to property designated for single-family residential use shall be provided according to Article 83 of this Zoning Ordinance. Setbacks for industrial buildings contiguous to property zoned or used for residential, commercial, office, or public/institutional uses shall be as established by the applicable zone district.

#### **Section 82.02 Location of Accessory Buildings and Structures in Yards**

No accessory building or structure shall be located within a required front or side yard or front or side building setback except as otherwise provided in this Ordinance.

- A. Garages and carports

Single story detached and attached garages and carports shall be located as follows:

1. Front yard setback: A garage or carport shall be set back from the street a minimum of twenty (20) feet, in order to permit parking of a full car

**CHAPTER 8 ARTICLE 82  
YARDS AND LOCATION OF BUILDINGS**

length without overhang onto the sidewalk, in all residential developments. In hillside areas, the maximum driveway slope shall be fifteen (15) percent, with at least eighteen (18) feet in front of the garage at a slope not exceeding five (5) percent.

2. Side yard setback: A garage or carport shall not encroach upon any required side yards; where access is provided to the garage from a side street, the provisions of Section 82.02.A.1. above shall apply.
3. Rear yard setback: An attached garage or carport shall not encroach upon any required rear yard. Detached garages and carports may be located within the rear yard, provided that no portion of the structure (including eaves) is located within ten (10) feet of the rear property line, and the useable rear yard area is not less than one thousand (1,000) square feet pursuant to Section 41.09.D.3.
4. Setback from the alley: Notwithstanding the provisions of this subsection, no detached garage or carport facing an existing or proposed alley shall be located less than fifteen (15) feet from the center line of said alley.

**B. Accessory dwelling units**

A guest house, a temporary dependent housing unit, or a second dwelling unit shall not be located closer (including eaves) than ten (10) feet from the rear property line and the useable rear yard shall not be less than one thousand (1,000) square feet pursuant to Section 41.09.D.3. The front and side yard shall be the same as required for the main structure.

**C. Other accessory buildings and structures**

Accessory buildings or structures, other than garages or carports shall be located as follows:

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1. Portable storage sheds, children's playhouses, and other similar non-habitable accessory structures as defined in Section 16.19 that are less than ten (10) feet in height shall not be located closer (including eaves) than five (5) feet to the side or rear property line, and the useable rear yard shall not be less than one thousand (1,000) square feet pursuant to Section 42.09.D.3.
2. Storage sheds, children's playhouses, and other similar nonhabitable structures that are over ten (10) feet in height, attached patio covers, gazebos, and other similar structures shall not be located closer than ten (10) feet from the rear property line. The front and the side yard shall be the same as required for the main structure.
3. Fences and walls may be located as provided in Section 86.04. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)
4. Signs may be located as provided in Article 88 (Signs).
5. In-ground swimming pools or spas shall not be located closer than five (5) feet from the side or rear property line. Pool equipment shall not be located closer than five (5) feet from a side or rear property line. Above-ground pools and spas, including any decking or gazebos surrounding the structure, shall not be located closer than five (5) feet from any side or rear property line except as otherwise required under Section C.2 above.. All Municipal Code and Building & Safety Department requirements for fencing, and self-closing gates shall be provided. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*) (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)
6. Landscape elements including trees, shrubs and other plants may be located as provided in Article 86 (Landscaping).



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7. Satellite dishes and vertical antennae may be located as provided in Sections 95.02 and 95.03 (Special Regulations).
8. No decks or bermed areas higher than twelve (12) inches from grade are permitted within any required side or rear setback area. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
9. Attached and detached patio covers may encroach into the required rear yard setback, provided that a setback of ten (10) feet from any side or rear property line is maintained. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**D. Projections into the Yards**

Except as otherwise provided in this Ordinance, the following projections may extend into required yards as follows:

1. Architectural features including cornices, eaves, sills, buttresses, awnings, and other similar architectural features may extend into a required side yard or space between structures not more than thirty (30) inches and may extend into a required front or rear yard not more than thirty-six (36) inches.
2. Fireplace structures and bays, not wider than eight (8) feet measured in the general direction of the wall of which it is a part, provided said fireplace or bay does not project more than three (3) feet into any required yard.
3. Open and unenclosed fire escapes, stairways and door stoops provided that said structures are not located in a front or side yard and do not extend more than thirty-six (36) inches into a required rear yard.

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4. Balconies provided that they are not located within the front or side yard or project more than ten (10) feet into any required rear yard.
5. Planting boxes or masonry planters, not to exceed a height of forty-two (42) inches provided that said structures are not located within any required side yard or project more than six (6) feet into any required front yard.

**Section 82.03 Reserved** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

**Section 82.04 Distance Between Buildings in Residential Zones** *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

- A. Distance between multi-family residential buildings and structures
1. A minimum distance of fifteen (15) feet is required between all principal residential buildings established on the same lot or parcel of land. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  2. A minimum distance of ten (10) feet is required between all principal residential building and any accessory building established on the same lot or parcel of land. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
  3. A minimum distance of six (6) feet is required between all principal residential buildings and any other detached accessory structure established on the same lot or parcel of land. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
- B. Distance between single family residential buildings and structures *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

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1. A minimum distance of ten (10) feet is required between a primary residential unit and a detached accessory dwelling unit, established on the same lot or parcel of land. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
2. A minimum distance of six (6) feet is required between any other detached accessory structure and a primary residential structure established on the same lot or parcel of land. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

### **Section 82.05 Use of Yards**

Every front, side, or rear yard required by this Zoning Ordinance shall be open and unobstructed from the ground to the sky, except as otherwise provided by this Zoning Ordinance.

#### **A. Vehicle parking**

In residential districts the required front yard and/or side yard adjacent to a street shall not be used for vehicle parking except such portion as is devoted to the driveway use. The driveway width shall be limited to the width of the garage fronting onto the street and/or to the width of a single lane driveway leading to the rear portion of the lot, but shall in no event exceed thirty (30) feet total.

#### **B. Storage of recreational vehicles, boats, campers, trailers or travel trailers within yards**

Recreational vehicles, boats, campers, trailers or travel trailers shall be located as follows:

1. Such vehicles shall not be stored or parked in any required front or street side yard in residential or agricultural zones except on the driveway, as required by Section 8.36.060. A.10.d. of the Municipal Code.

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2. Such vehicles may be stored or parked in any interior side or rear yard in residential or agricultural zones provided that the vehicles are located on a rock or paved surface, as required by Section 8.36.060. A.10.d. of the Municipal Code provided that such storage would not result in violation of any other applicable code or ordinance.

#### C. Other storage in yards

No open storage shall be permitted in any required front or side yards adjacent to a street or highway except where otherwise permitted by this Ordinance.

#### **Section 82.06 Line of Sight Restrictions** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

- A. A substantially clear line of sight shall be maintained between the driver of a vehicle waiting or yielding at an intersection or driveway and the driver of an approaching vehicle on the other approaches to the intersection or the street being entered from the driveway.
- B. Standards for determination or identification of substantially clear line of sight areas may be developed by the City Traffic/Transportation Engineer.
- C. It shall be the responsibility of the owner of the real property to remove from such property or any adjacent right-of-way any such obstruction.

#### **Section 82.07 Modification of Yard Requirements**

##### A. Reduced requirements

A minor exception or variance to the yard requirements may be permitted according to Article 23 of this Zoning Ordinance.



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YARDS AND LOCATION OF BUILDINGS**

**B. Increased requirements**

Setback requirements, landscaping and other measures in excess of the minimum standards contained in this Article may be required by the reviewing authority if deemed necessary to make proposed developments compatible with existing or prospective land uses in the vicinity.



**CHAPTER 8 ARTICLE 83**  
**TRANSITION BETWEEN LAND USES AND ZONES**

**ARTICLE 83 TRANSITION BETWEEN LAND USES AND ZONES**

**Section 83.01 Purpose**

The following standards are intended to ensure compatibility between adjacent uses of different type and intensity.

**Section 83.02 Applicability**

The standards contained in this Section shall apply when a multiple family, commercial, industrial, or public/institutional zone is located adjacent to property that is zoned or used for a less intensive use, except as otherwise provided in this Ordinance. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

**Section 83.03 Development Standards**

**A. Minimum setbacks**

1. Front yard and street side yard setbacks (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)
  - a. Where a commercial use is separated from a residential use or district by a local or collector street, the minimum building setback from such street shall be twenty (20') feet and shall include a minimum landscape setback of fifteen (15') feet.
  - b. Where an industrial use is separated from a residential use or district by a local or collector street, the setback provisions of the applicable zone district shall apply.

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### TRANSITION BETWEEN LAND USES AND ZONES

2. Interior side and rear yard setbacks *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
  - a. A minimum twenty (20) foot wide building setback shall be provided for all commercial and industrial developments along side and rear property lines which are contiguous to property designated or used for single-family or multi-family residential uses, and for all multi-family residential developments along side and rear property lines which are contiguous to property designated or used for single-family residential use.
  - b. Where an industrial use abuts a residential use or zone, the setback provisions of the applicable zone district shall apply.

#### B. Building heights

1. The maximum height (measured in accordance with Section 16.02 of this Ordinance) for any commercial or multi-family residential buildings, located adjacent to property designated for single family residential use shall be as follows: *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*



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**TRANSITION BETWEEN LAND USES AND ZONES**

Building Setback From Single-Family Residential Boundary	Permitted Building Height
Less than 50 feet	35 feet, except with CUP; No windows, balconies, stairways or other areas where people could look out onto adjacent residential properties shall be permitted above the first floor on the side of the building which faces the property designated for single-family residential use
Up to 150 feet	35 feet, except with CUP
Over 150 feet	As permitted by the zone

*(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

2. In the event a Conditional Use Permit is requested under this Section, additional buffers between the proposed structure and adjacent properties, including but not limited to additional building setbacks and landscaping, may be required by the Planning Commission.
  3. Height limits for industrial buildings shall be those established in the zone district. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
- C. Landscaping *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*  
*(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

All commercial and industrial developments which are contiguous to property designated for residential use shall provide a minimum ten (10) foot wide landscape strip adjacent to the residentially zoned property. At least one mature tree shall be provided for each two hundred square feet of required landscape area and shall be planted a maximum of twenty feet on center. A mature tree shall be defined as a forty-eight (48") inch box tree with a tree trunk diameter of

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### TRANSITION BETWEEN LAND USES AND ZONES

three (3") inches as measured four and one-half (4.5') feet above the root crown, or as otherwise approved by the City Landscape Architect. A minimum of 50 percent of the required trees shall be of a fast-growing evergreen variety as approved by the City Landscape Architect.

D. Separation walls (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

Separation walls or fences shall be required as follows, except for commercial uses that are designed to integrate with residential uses or as otherwise approved by the reviewing authority.

1. All commercial and industrial uses that are adjacent to property designated or used for residential use shall provide a minimum six (6) foot high decorative masonry wall on the side of the property adjacent to said residential use.
2. All multifamily residential uses that are adjacent to property designated or used for single family residential use shall provide a minimum six (6) foot high decorative masonry wall on the side of the property adjacent to said single family residential use.
3. The reviewing authority may approve use of a view fence combined with landscaping sufficient to screen the more intense uses, when such fence is necessary to preserve views, discourage graffiti, or for other reasons specific to the use and/or the site.

E. Location of service areas

All loading areas and trash enclosures shall be located a minimum of twenty (20) feet from any residential use, out of which a minimum ten (10) feet shall be landscaped, and shall be screened from adjacent residential uses by walls, fences, or dense landscaping to the satisfaction of the reviewing authority.

**ARTICLE 84 PERFORMANCE STANDARDS**

**Section 84.01 Applicability**

Performance standards contained in this Article shall apply to any existing or proposed use, or portion thereof, permitted in any zone. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Section 84.02 Smoke or Other Particulate Matter**

All proposed uses shall comply with the applicable requirements of the South Coast Air Quality Management District.

**Section 84.03 Heat, Light, and Glare**

Any existing or proposed use or portion thereof that creates heat, light, or glare that constitutes or may be considered a nuisance or hazard on any adjacent property, such as use of arc welders or furnaces, security lighting or spot lights, or reflecting building materials or water features, or similar equipment, shall shield or control all sources of heat, light, or glare in such manner as will prevent the issuance, continuance or recurrence of the disturbing emissions.

**Section 84.04 Electromagnetic Disturbances and Radiation**

Any existing or proposed use or portion thereof that can or may generate any electrical disturbances or produce any electromagnetic or radioactive emanations that can or may be considered a nuisance or hazard shall shield or control the source of the electrical or radioactive emanations in such manner as will prevent the issuance, continuance, or recurrence of any hazardous or disturbing emanations.

## **CHAPTER 8 ARTICLE 84 PERFORMANCE STANDARDS**

### **Section 84.05 Noise Standards**

Any existing or proposed use or portion thereof that can or may generate noise that constitutes or may be considered a nuisance or hazard on any adjacent property, shall control the source of the noise in such manner as will prevent the issuance, continuance, or recurrence of any hazardous or disturbing emanations. All existing or proposed uses shall conform to the Noise Element of the General Plan. All construction activity shall conform to Section 8.28 of the Municipal Code (Building Construction Hours of Operation and Noise Control).

### **Section 84.06 Outdoor Storage**

- A. There shall be no uses or storage of materials not permitted by the type of structure or classification of occupancy as specified in the Building Code and Fire Code.
- B. There shall be no outdoor storage unless specifically approved by the City. Any storage area which is visible from the public right-of-way shall be screened from view by a solid masonry block wall not less than 5' nor more than 6' in height.
- C. The required access aisles shall not be used for storage purposes.
- D. No areas designated for off-street parking shall be used for storage of vehicles or other material except as otherwise provided by this Ordinance.

### **Section 84.07 Maintenance of Required Facilities**

All physical facilities required in this Ordinance, such as buildings and structures, paving, fences, walls and landscaping, shall be kept and maintained in a neat, clean, orderly, operable and usable condition.



**CHAPTER 8 ARTICLE 84  
PERFORMANCE STANDARDS**

**Section 84.08 Fire Department Requirements**

All plans shall meet the requirements of the Fire Department as to adequate fire protection.

**Section 84.09 Public Nuisance**

Any existing or proposed use or portion thereof which produces any condition, substance or element including wastepaper, trash, or other debris, that constitutes or may be considered a nuisance or hazard due to its operation or maintenance, but is not subject to the standards contained in this Section, shall be eliminated or controlled as will prevent the issuance, continuance or recurrence of said nuisance or hazard.



**ARTICLE 85 TRASH AND RECYCLING STORAGE**

**Section 85.01. Trash Storage**

A. Requirement

Containers for trash storage of a size, type, and quantity approved by the City, shall be provided for all commercial, industrial, and multiple residential development, and for institutional or other uses as deemed appropriate by the reviewing authority.

B. Development standards

1. Containers for trash storage shall be placed so as to not be readily visible from public rights of way, to the extent feasible. It is preferable to have trash enclosures hidden from public streets by building placement, although landscaping may be provided for screening where appropriate. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
2. Any outdoor area used for the storage of trash, refuse, or similar materials shall be completely enclosed by a six (6) foot decorative masonry block wall. Trash enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structures. Self-closing gates constructed of solid metal and attached to metal posts embedded in concrete shall be provided. In multiple residential projects and where otherwise deemed appropriate, the reviewing authority may require pedestrian access to the enclosure, in addition to the gated opening. Roof or lattice treatment shall be provided to prevent wind-blown trash from leaving the enclosure. Alternatively, enclosures may be located within a building's facade provided that the area is architecturally integrated with the building design. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

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### TRASH AND RECYCLING STORAGE

3. Trash enclosures shall be screened with appropriate plant material, , wherever they are in view of the general public from the street, access drives, or less intensive zone districts. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
4. Trash enclosures shall be designed to meet or exceed the minimum capacity requirements of the development as determined by Building and Safety Department. Enclosure size and configuration may be determined during development review for users with specialized requirements. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
5. All trash shall be stored in metal containers to prevent it from being blown outside its walled enclosure by the wind.
6. Gates shall be maintained in working order and shall remain closed except when in use. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
7. Trash enclosures shall be located so as to be easily accessible to refuse collection trucks, and to site users. In general, distance from a building entry to the trash enclosure should not exceed 150 feet. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
8. Where practical, enclosures should be sized to contain transformer boxes or other utility equipment which also requires screening. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

#### **Section 85.02 Trash Compactors**

- A. Any area used for the compaction of trash or refuse generated from the primary use shall be located away from view from the public right-of-way and screened by walls or projections which are designed to be architecturally compatible with the main building.



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TRASH AND RECYCLING STORAGE

- B. Vehicle access to the trash compactor area and the trash compactor pad shall be paved with concrete rather than asphalt.
- C. Trash compactor areas shall be provided with a floor drain and hose bibb to facilitate washing of non-hazardous waste fluids from the area.
- D. Design of trash compactor area shall prevent runoff of waste fluids into adjacent structures or onto adjacent properties.

**Section 85.03 Recycling Containers**

A. Purpose

The purpose of this section is to ensure provision of adequate areas for collecting and loading recyclable materials in order to encourage diversion of solid waste by facilitating source reduction, recycling, and composting activities.

B. Definitions

- 1. **Development Project** shall mean any commercial, industrial, multiple family or institutional project which proposes to implement an on-site waste separation program for recyclable materials, for which such a program has been required.
- 2. **Recycling Area (Areas for Recycling)** shall mean space allocated for collecting and loading of recyclable materials. Such areas shall have the ability to accommodate receptacles for recyclable materials.

C. Development standards

All recycling areas, if required by reviewing authority or otherwise included within a project, shall be subject to the following development standards:

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1. Recycling area shall be located to be at least as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.
2. The recycling facility shall be located away from view from the public right-of-way and screened by walls or projections which are designed to be architecturally compatible with the main building.
3. Recycling areas shall be accessible and convenient for those who deposit as well as for those who collect and load any recyclable materials placed therein.
4. The facility shall contain on-site refuse containers for disposal of non-hazardous waste which are adequate in capacity, number, and distribution to serve the development project.
5. The City may specify what types of materials may be stored or processed and in what quantities.
6. All trash shall be stored in metal containers or inside mobile vehicles to prevent it from being blown away by the wind.
7. Any outdoor area used for the storage of trash, refuse, or similar materials, including metal containers but not including mobile vehicles, shall be completely enclosed as specified in Section 85.01.B.2.
8. The recycling facility shall be constructed and maintained of durable waterproof and rustproof material.

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9. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel in conformance with building code requirements for garbage collection access and clearance.
10. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.
11. The facility and/or containers shall be clearly marked to identify the type of material to be deposited, operating instructions and hours, and the identity and phone number of the facility operator to call if the machine is inoperative, and shall display a notice stating that no material shall be left outside the recycling enclosure of containers.
12. Facilities shall meet the sign requirements of the zone designation as set forth in the Zoning Ordinance, unless otherwise specified; directional signs may be installed with the approval of the Director of Planning.
13. The facility, including mobile facilities, shall be maintained in a clean and sanitary manner free of litter and any other undesirable materials.
14. Developments and transportation corridors adjacent to recycling areas shall be adequately protected from any adverse impacts such as noise, odor, vectors, or glare, through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.
15. If the facility is located in or near an area designated, or planned for residential use, special conditions for hours of operation, type of machinery used, lighting, and truck routes may be required.
16. Noise generated by the facilities shall not exceed maximum limits established by the General Plan.

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17. The facility must meet all applicable requirements of the Fire, Health, and Building and Safety Departments.



**CHAPTER 8 ARTICLE 86  
LANDSCAPING, LIGHTING, SCREENING AND WALLS**

**ARTICLE 86 LANDSCAPING, LIGHTING, SCREENING AND WALLS**

*(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

**Section 86.01 Landscaping Requirements**

In all projects proposed or required to provide landscaping as part of the development plan, the landscaping shall be provided in accordance with the provisions in this Article.

- A. All landscaping shall conform to provisions of Section 14.04. (Joshua Tree and Native Desert Vegetation Preservation) of the City of Palmdale Municipal Code.
- B. All landscaping shall conform to provisions of Section 14.05 (Landscape Water Conservation) of the City of Palmdale Municipal Code.
- C. Landscaped areas shall be provided with a permanent, fixed automatic irrigation system adequate to meet the water needs of all landscape material. Irrigation systems should be designed to minimize maintenance and water consumption.
- D. Landscaped areas and landscaping shall be maintained in a neat, clean and healthful condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plants. Any damaged, dead, deceased, or decaying plant material shall be replaced in an expeditious manner. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
- E. All plant materials, their location and spacing, and irrigation systems shall be installed and maintained pursuant to the City's Engineering Design Standards or as otherwise approved by the City Landscape Architect.
- F. Landscaping design shall consider solar heating and cooling techniques. Deciduous trees should be planted to the south and west of buildings, to provide summer shade and winter sunlight.

## CHAPTER 8 ARTICLE 86

### LANDSCAPING, LIGHTING, SCREENING AND WALLS

- G. Landscape design shall conform to the applicable provisions of the General Plan.
- H. Graded, undeveloped portions of project sites proposed for future expansion shall be kept in a weed free condition and appropriate ground cover may be required for erosion control. Graded pad sites may require temporary seeding and irrigation for erosion control and to mitigate visual impacts. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

#### **Section 86.02 Screening Requirements** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

- A. Screening of loading areas and facilities shall be provided pursuant to Section 87.20.
- B. Screening of rooftop equipment shall be provided as follows:
  - 1. In residential, commercial, and public/institutional development consistent with residential and commercial zones, roof-mounted equipment shall be fully screened from view from the public right-of-way and properties in the vicinity. Screening for roof-mounted equipment shall be integrated into the building design, such as with parapet walls or roof line treatment, rather than added as a separate device which is not part of the structure and appears to be an afterthought. The need to screen rooftop equipment should be taken into consideration during the initial design phase for the structure. If equipment will be visible from adjacent taller buildings or from higher grades, it shall be painted to match the rooftop in color and should be grouped together where practical.
  - 2. In industrial zones, and for public/institutional development consistent with industrial zones, rooftop equipment shall be screened from arterial streets, freeways, and less-intensive land use districts as described in paragraph B.1. of this Section. For portions of buildings not visible from arterials,

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freeways and less-intensive districts, the reviewing authority may reduce or waive the requirement for rooftop equipment screening provided that such action is determined to cause no adverse effects. Requests to allow visibility for roof-mounted equipment from arterials, freeways, and less-intensive districts will require approval of a variance or minor exception, pursuant to Article 23.

3. Where rooftop equipment screening is required by this Section but, through approval of a variance, minor exception, or alteration to a non-conforming structure, mechanical equipment and/or ductwork projects vertically more than one and one-half (1½) feet above the roof line or parapet, the reviewing authority may require that such projecting equipment be screened by an architecturally designed enclosure which is compatible with the building design and appears permanent through use of high quality materials. Where equipment and/or ductwork projects one and one-half feet or less above the roof line or parapet, the reviewing authority may require that it be painted consistent with the color scheme of the building, or require other treatment as deemed appropriate.

**C. Screening of utility lines and equipment**

1. In residential, commercial, and public/institutional development consistent with residential and commercial zones, all existing and new utility lines 50kv and less within the project and along adjacent major arterials shall be placed underground, pursuant to Ordinance 724. Utility meters on or adjacent to buildings shall be screened by the building's architectural features, a screen wall, landscaping, or a combination thereof. Utility boxes, backflow devices, and irrigation equipment shall be screened by use of screen walls, landscaping, or other approved means. All screen walls and landscaping should be shown on the landscape or site plans submitted for the project. No mechanical equipment, drainage spouts, or other similar devices should be visible on exterior building walls. Roof ladders shall not be placed on the outside of a building but may be placed inside, for security purposes.



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2. In industrial zones, and for public/institutional development consistent with industrial zones, utility lines and equipment shall be screened when visible from arterial streets, freeways, and less-intensive land use districts. Such screening shall meet the requirements of paragraph C.1. of this Section. For portions of buildings not visible from arterials, freeways, and less-intensive use districts, the reviewing authority may reduce, waive, or defer requirements for utility line undergrounding and utility equipment screening, pursuant to Ordinance 724 and provided that such action is determined to have no adverse effects. Additionally, for infill industrial projects in substantially developed industrial areas where utility lines have not been placed underground within the vicinity of the site, the City Engineer may defer utility line undergrounding requirements until such time as lines in the general area are undergrounded. Any request to deviate further from utility screening requirements in industrial zones will require approval of a variance or minor exception, pursuant to Article 23.
3. In industrial zones and public uses consistent with industrial zones, the requirement for undergrounding of utility lines may be waived for remodeling of existing structures where the cost of remodeling is less than fifty (50) percent of the replacement cost of the existing structure as determined for building permits.

**D. Outdoor storage**

Screening of outdoor storage areas shall be provided as follows:

1. In residential, commercial, and public/institutional development consistent with residential and commercial zones, outdoor storage areas shall be completely screened from public view, public rights-of-way, or less intensive land use districts. Where possible, these areas shall be placed behind the buildings to screen them from public rights-of-way. Landscaping, screen walls, berming, or other approved means of screening may be used. Screen walls shall be of solid masonry



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construction and shall be high enough to hide the materials being stored, provided that wall height may not exceed six (6) feet in these zones except for the C-5 (Service Commercial) zone, where wall height may not exceed eight (8) feet.

2. In industrial zones, and for public/institutional development consistent with industrial zones, outdoor storage shall be screened from arterial streets, freeways, and less-intensive land use districts. Landscaping, screen walls, berming, or other approved means of screening may be used. Fences or walls used for screening should be high enough to screen the material being stored, but in no case should the height exceed twelve (12) feet. For portions of a site less visible to the general public but visible to local and collector streets or other industrial users, chain link fencing with slats may be allowed as a screening method. For areas not visible to other properties or the general public, the requirement for screening of outdoor storage areas may be reduced or waived by the reviewing authority, provided that such action is determined to cause no adverse effects. Any request to deviate further from outdoor storage screening requirements will require approval of a variance or minor exception, pursuant to Article 23.

**E. Service bays and areas**

1. Service areas shall be integrated into the site and building design, through means including but not limited to the following:
  - a. Roll-up and service doors should be painted to blend in with the main building colors, and should not face arterial streets. Where site constraints make the placement of these doors away from arterial streets infeasible, then doors shall be designed with glass or other architectural features to minimize visual impacts from the street, subject to approval by the reviewing authority.

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- b. Long-term shopping cart storage areas shall be completely screened; if screen walls are used, they shall be of sufficient height and length to screen all carts, and shall be architecturally integrated with the main building.

**F. Screening of parking lots**

- 1. Screening of parking lots from adjacent streets and less intensive uses shall be provided pursuant to Section 87.05.L.

**Section 86.03 Lighting Requirements** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

- A. Lighting fixtures within or abutting residential zones within a distance of 150 feet from the zone boundary shall not exceed fourteen (14) feet in height. Particular care must be given in these areas to avoid glare and light spread.
- B. Except as provided in paragraph A. of this Section, lighting fixtures within commercial zones and public uses consistent with commercial zones shall not exceed twenty (20) feet in height.
- C. Except as provided in Paragraph A. of this Section, lighting fixtures within industrial zones and public uses consistent with industrial zones shall not exceed twenty-five (25) feet in height, when they are visible from public rights-of-way and less intensive, non-industrial use districts. Within portions of these developments not visible to the general public, taller standards may be approved if there is no glare or light spillage into areas visible to the general public.
- D. Exterior lighting standards and fixtures should be located and designed to minimize direct glare beyond the site boundaries. Lighting is to be shielded to confine light spread within the site boundaries. There shall be no illumination or glare from the exterior lighting system onto adjacent properties or streets.

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- E. Illumination levels should be compatible with the character and use of surrounding development. Excessive illumination will not be allowed.
- F. All light standards visible to the general public should be consistent with the overall architectural style of the project with respect to design, materials, color, and color of light. At a minimum, all standards in these locations shall have an attractive top and base; cobra-head standards will not be allowed.
- G. Security lighting fixtures shall not project above the fascia or roof line of the building on which they are mounted.
- H. Lighting intensity shall be a minimum of one (1) foot candle, maintained. There shall be no more than a seven to one (7:1) ratio (maximum to minimum) level of illumination shown between lighting standards.
- I. No low pressure sodium lighting fixtures are allowed. Flashing lights are strictly prohibited.
- J. An exterior lighting (photometric) plan consisting of a point-by-point foot candle layout (based on a ten foot grid center) extending a minimum of twenty (20) feet outside the property lines, prepared by an electrical engineer registered in the State of California, shall be prepared for new development as required by the reviewing authority, in conformance with this Section and any applicable conditions of approval.

**Section 86.04 Walls And Fences** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

**A. Applicability**

The provisions of this Section shall apply to fences, walls and hedges within all zones. The provisions of this Article may not apply to a fence or wall required as

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an environmental mitigation measure or required by any law or regulation of the State or federal government or agency thereof.

**B. Height requirements**

**1. Height measurement**

When there is a difference in the ground level between two adjoining lots, the height of any wall or fence constructed along any property line shall be determined by using the level lot line of the highest contiguous lot.

**2. Front and side street setback areas**

Except as provided in Section 82.06 relating to line of sight restrictions, fence and wall height within front and side street setback areas shall not exceed the following provisions:

**a. Solid Fencing in Residential Zone**

No solid fence, wall, hedge, signs or other structures, shrubbery, earth berms or other visual obstruction over forty-two (42) inches in height above the nearest curb elevation shall be erected, placed, planted, or allowed to grow within the front or side street setback area.

**b. Open View Fencing in Residential Zones**

On residential lots of 20,000 square feet or more and in multiple family zones, a six (6) feet high fifty (50) percent open-view fence (when viewed at a 45-degree angle) may be located within the required front yard setback, provided there are no plant or solid wall materials over thirty-six (36) inches in height adjacent to or under the fence, which would create a visual barrier effect. The wall or fence shall be located within the property line of the subject



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parcel. Any gates for vehicles must be set back a minimum twenty (20) feet from the property line to allow for vehicle parking when the gate is closed.

**c. Commercial and Industrial Zones**

No wall, fence, or other visual obstruction such as those described in part a. of this section over thirty-six (36) inches in height may be allowed in the front or side street setback area.

**3. Interior lots in non-industrial zones**

On all interior lots, a maximum six-foot high solid wall, fence or hedge may be located anywhere except within the required front yard setbacks. Within such front yard setbacks, the maximum height of such a wall, fence or hedge shall not exceed thirty-six (36) inches and shall be located within the property line of the subject parcel.

**4. Tennis courts**

Tennis court or play court fencing in the A-1, R-1, R-2 or R-3 zones shall comply with the standards set forth in Section 91.08. Tennis court fencing in all other zones shall not exceed the height of fifteen (15) feet and shall observe the setback of accessory structures within the zone. However, not less than a five (5) foot setback shall be provided to any property line. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**6. Industrial zones**

Walls and fences used for screening and/or security purposes in industrial zones may be approved for over six (6) feet in height based on the following criteria, provided they are not within the required front or side street setback area.

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- a. Walls adjacent to or extending from the building which have been architecturally designed to integrate with the structure design may be of a height determined by the reviewing authority.
- b. Wall height should be the minimum needed to accomplish the screening or buffering purpose for which it is constructed.
- c. Walls or fences meeting the criteria of this section may be approved up to eight (8) feet with a plot plan approval or zoning clearance. Over eight (8) feet, the reviewing authority may approve additional wall or fence height based upon a finding that no adverse visual or aesthetic impacts will occur on adjacent properties and public rights-of-way; this determination may be made as part of the development review process for a new project or as a minor modification for an existing development, pursuant to Section 26.04. No wall or fence may exceed twelve (12) feet in height, except as approved with a Conditional Use Permit (CUP).

**C. Material and design**

**1. Residential zones**

The use of barbed wire, electrified fence or razor wire in conjunction with any fence, wall, or hedge, or by itself within any residential zone, is prohibited unless required by any law or regulation of the state or federal government or agency thereof.

**2. A-1 Zone**

The use of barbed wire or electrified fence in conjunction with any fence, wall, or hedge, or by itself within Zone A-1 is permitted provided that the barbed wire or electrified fence is used in conjunction with animal keeping or other agricultural activities, and that it is separated from any public

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access (i.e., road, trail, etc.) by a regular fence or wall that is a minimum of six (6) feet in height.

**3. Commercial zones**

- a. No chain link fencing is allowed adjacent to or visible from the public right-of-way.
- b. No roof-mounted fencing, including wrought iron, barbed wire or razor wire, is allowed.
- c. The use of barbed wire, electrified fence or razor wire is prohibited unless required by any law or regulation of the state or federal government or agency thereof.
- d. Use of solid block walls is discouraged, except where required for buffering, screening, and/or security. Where used, walls should be of decorative construction and should integrate with the overall site design in use of colors, materials, and architectural features. Long walls should incorporate offsets, pilasters, planter walls, or other similar approved design features to provide visual interest.
- e. Where open-view fencing is required for security purposes and is visible from public rights-of-way, decorative construction such as tubular steel or wrought iron should be used. Masonry pilasters and/or landscaping may be required to provide visual interest.

**4. Industrial zones**

- a. Any walls or fences in industrial zones which are visible to the general public from arterial streets, freeways, or less intensive, non-industrial uses or zones shall meet the criteria for commercial zones as specified in paragraph 3 of this Section.

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- b. Walls or fences in industrial zones which are not visible to the general public from arterial streets, freeways, or less intensive zones may be of other materials and design as approved by the reviewing authority. Barbed wire may be permitted atop fencing in these locations, as approved by the reviewing authority.

**D. Modification of requirements**

Minor exceptions or variances to the fence, wall, and hedge requirements may be permitted according to Article 23 of this Zoning Ordinance.



**ARTICLE 87 OFF-STREET PARKING**

**Section 87.01 Intent and Purpose**

The purpose of this article is to ensure provision of adequate, accessible, secure, properly lighted, and well maintained and screened off-street parking facilities. Properly provided and designed parking will facilitate the intended use of the property; reduce traffic congestion and safety concerns; protect the neighborhoods from the effects of vehicular noise and traffic generated by adjacent nonresidential land use district; assure maneuverability of emergency vehicles; and provide a positive visual experience.

**Section 87.02 General Provisions**

- A. Applicability. Every use of land or property shall provide adequate parking facilities in conformance with the requirements of this Article and other provisions of this Zoning Ordinance, except as allowed under Subsection D below.
- B. Continuing obligation. The provision for off-street parking facilities shall be a continuing obligation of the property owner so long as any use requiring vehicle parking continues.
- C. Reduction in number of spaces. No required off-street parking facility shall be reduced in capacity or in area without sufficient additional parking capacity or additional parking spaces being provided to comply with this article, unless otherwise permitted by this Article.
- D. Existing nonconforming parking facilities. Any use of property which, on the effective date of this article or of any subsequent amendment thereto, is nonconforming, only as to the regulations relating to off-street parking, may continue in the same manner as if the parking facilities were conforming.

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- E. Use of required parking as commercial or public lot. No area designated as a required parking area in connection with any designated building or use shall be operated as a commercial or public lot providing parking spaces for the general public or the occupants, tenants, customers, clients, or residents of any use or activity for a fee or other compensation, unless approved by the reviewing authority.

**Section 87.03 Number of Parking Spaces Required**

- A. Parking Schedule. Off-street parking shall be provided for the following uses in the quantities specified below, except otherwise provided in this Article: *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

Auditoriums, theaters, sports events, rodeos, and other similar spectator uses	One space per four (4) fixed seats or one space per thirty-five (35) square feet of spectator area where seats are not fixed. Eighteen (18) lineal inches of bench seating shall equal one seat. Additional parking for non-related uses are calculated according to use.
Auto Display	One space per four hundred (400) square feet of gross floor area for show room; plus one space per two hundred fifty (250) square feet of gross floor areas for offices; plus one space per two hundred (200) square feet of gross floor area for shops.
Auto dismantling/salvage yards/recycling centers	One space for each three hundred (300) square feet of gross building area plus one space for every 10,000 square feet of gross yard area.
Auto Repair	One space per two hundred (200) square feet of gross floor area. No inoperable vehicle may be parked within a required parking space.

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Billiards	Three spaces per table.
Boarding houses, dormitories	Three spaces, plus one per sleeping room.
Bowling alleys	Three spaces per lane.
Carnivals	One space per five hundred (500) square feet of site area.
Churches, chapels, mortuaries	One parking space for every four (4) fixed seats or one space per thirty-five (35) square feet of assembly area where seats are not fixed in the principal assembly area; plus one space for each classroom and secondary assembly area. Eighteen (18) lineal inches of bench seating shall equal one seat.
Commercial uses, unspecified	One space per two hundred fifty (250) square feet of gross floor area.
Condominiums, community apartments, stock cooperatives and other limited equity cooperatives	Two and one quarter (2.25) spaces per unit, two of which must be designated for a specific dwelling unit. Of the two designated spaces, a minimum of one space shall be located within an enclosed garage.
Convalescent homes, group care	One space per three (3) beds.

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Day care centers	One space for each classroom; plus one for every twenty (20) students.
Financial institutions, banks, savings and loans	One space per two hundred (200) square feet of gross floor area.
Furniture sales, major appliance sales, warehouse commercial	One space per five hundred (500) square feet of gross floor area.
Golf courses, miniature golf courses, golf driving ranges	Six (6) spaces per golf course hole; three (3) spaces per miniature golf course hole or driving tee on a golf range; plus one space per two hundred fifty (250) square feet of gross floor area used for other commercial uses. Additional parking for non-related uses are calculated according to use.
Health clubs, gymnasiums, dance studios and other similar participatory facilities	One space per one hundred (100) square feet of gross area, excluding court facilities; plus three spaces per court facility.
Hospitals	One space per bed.
Hotels, motels	One space per guest room; plus one space per one hundred (100) square feet of eating area in a restaurant/coffee shop; plus one space per 70 square feet of seating area in a meeting or banquet room; plus one space per three employees on the largest shift.



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Industrial/manufacturing uses, unspecified	<p>For each structure:</p> <p>1 - 5,000 square feet - One space for each 500 square feet of gross floor area (gfa)</p> <p>5,001 - 10,000 square feet - One space for each 750 square feet of gfa</p> <p>10,001 - 50,000 square feet - One space for each 1,000 square feet of gfa</p> <p>50,001 + square feet. - One space for each 1,250 square feet of gfa</p> <p>(Includes up to 25 percent of gfa used for office space; over 25 percent of gfa, office space requires one space per 250 square feet)</p>
Libraries, museums, galleries	<p>One space per two hundred fifty (250) square feet of gross floor area.</p>
Mini-warehouse, self-storage facilities	<p>One space per twenty thousand (20,000) square feet of gross floor area; plus one space per fifty (50) vehicle or boat storage spaces; with a minimum of three (3) spaces.</p>
Mobile home parks	<p>Two spaces per unit, which may be in tandem, one of which must be covered; plus one space per five mobile homes as a guest space; plus one space per five mobile homes as a recreational vehicle storage space. The recreational vehicle spaces shall be clustered in a separate area and shall be screened from view from public streets.</p>

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Multiple family residential apartments	Two and one quarter (2.25) spaces per unit, one of which must be covered and designated for a specific dwelling unit.
Office, medical	One space per two hundred (200) square feet of net leasable floor area.
Office, professional	One space per two hundred fifty (250) square feet of net leasable floor area.
Open air commercial uses, nurseries, equipment rental	One space per one thousand (1,000) square feet of lot area devoted to sales and display.
Open air industrial uses	One space per twenty-five hundred (2,500) square feet of outside storage area.
Parks	Ten (10) spaces per net acre of active recreational area within a park or playground; plus five (5) spaces per net acre of passive recreational area within a park or playground.
Public buildings and facilities	One space per two hundred (200) square feet of floor area for public buildings or facilities frequently visited by the public. One space per four hundred (400) square feet of floor area for public facilities not frequently visited by the public.

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Research and development, light industrial	Three (3) spaces per one thousand (1,000) square feet of gross floor area. For developments where office space exceeds 25% of the gross floor area, parking for that portion of office space shall be required at one space for each two hundred fifty (250) square feet of floor area.
Restaurants, bars and other eating or drinking places	One space per one hundred (100) square feet of gross floor area, with a minimum of ten (10) spaces. Where there is no on-site consumption of food or beverages, one space per two hundred fifty (250) square feet of gross floor area.
Retail uses	One space per each two hundred fifty (250) square feet of gross floor area.
Schools, grades K-9	Two (2) spaces per classroom
Schools, grades 10 and above	Six (6) spaces per classroom.
Senior citizen housing	One and one-half (1.5) spaces per unit, one of which must be covered and designated for a specific dwelling unit.
Service-oriented commercial, plumbing repair and service shops	One space per each four hundred (400) square feet of gross floor area; plus one space for each vehicle used in conjunction with the use.

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Service stations	Two (2) spaces per service bay; plus two (2) parking spaces for employee parking. Additional parking for non-related uses calculated according to use.
Shopping centers (regional)	Regional shopping centers are centers having more than fifty (50) gross acres and 600,000 square feet of floor area. Five (5) spaces per one thousand (1,000) square feet of floor area shall be provided for the first one million (1,000,000) square feet of floor area and four (4) spaces per one thousand (1,000) square feet of floor area shall be provided for any floor area exceeding one million (1,000,000) square feet. Floor area for an enclosed mall shall be calculated exclusive of mall concourse, restrooms, emergency exit areas, service areas, rear corridor areas, electrical and utility rooms. Floor area for attached anchor stores shall be calculated as gross building area less four (4%) percent, or the actual calculation of above exclusions, whichever is less. Section 87.03.b.3 shall not apply to this use.
Single-family residential	Two covered spaces per unit, one of which must be enclosed.
Temporary uses	A sufficient number of spaces to accommodate parking for the proposed use, in accordance with that specified for the most comparable use in this section.
Townhouses	Two and one-half (2.5) spaces per unit, two of which must be covered and designated for a specific dwelling unit. Of the two covered spaces, a minimum of one space shall be located within an enclosed garage.



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Warehouse	One space per 1,000 square foot for the first 20,000 square feet; one space per 2,000 square feet for the second 20,000 square feet; one space per 4,000 square feet for all space in excess of the first 40,000 square feet. (Includes up to 25 percent of gfa for office space; over 25 percent of gfa, office space requires one space per 250 square feet.)
Uses not specified	Where parking requirements for any use are not specified, parking shall be provided in an amount which the Director finds adequate to prevent traffic congestion and excessive on-street parking. Whenever practical, such determination shall be based upon the requirements for the most comparable use specified in this section.

**A. Computation**

1. Calculation of spaces. Any calculation of parking space requirements which results in a fraction of a parking space shall be counted as requiring a whole space.
2. Increase or change in use. Any existing building or use that is enlarged, structurally altered, modified or remodeled to the extent of increasing or changing the use by more than twenty-five (25) percent, as it existed on the effective date of this ordinance, shall be accompanied by off-street parking for the entire building or use in accordance with the parking regulations set forth in this Article. When the enlargement, structural alteration, modification or remodeling is to the extent that the use is not increased or changed by more than twenty-five (25) percent, additional parking shall only be required for the increased or changed floor area or use.

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Existing parking spaces may not be used to satisfy additional parking requirements of this Article unless the existing spaces proposed for use in meeting the requirements exceed the number required for the building or use with which the existing spaces are associated. All parking associated with a building or use from which the spaces are drawn must meet all requirements of this Article.

3. Combined uses. When two (2) or more uses are located in the same building or structure, or are within the same common developments, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided in this Article.
4. Additional parking required. Nothing in this Article shall be deemed to limit the power of the reviewing authority to require adequate provision of parking spaces as a condition of approval of a conditional use permit, a site plan review, or as a development standard when under the circumstances of a particular case, a greater number than specified in this Article is found to be necessary.
5. Transportation demand management programs. Reductions in the number of parking spaces provided may be approved by the reviewing authority pursuant to Section 23.03.B.5 when the applicant has provided substantial evidence that Transportation Demand Management (TDM) efforts may be effective in reducing vehicle demand. Such a program may require such provisions as: (a) land set aside for additional parking if determined necessary; (b) in-lieu payments for transportation demand related services and programs; periodic monitoring and certification that the TDM effort is being maintained; and/or penalties for non-compliance (including suspension or revocation of occupancy permit).
6. Bus turnout credit. Where required or agreed to by the City, provisions for a bus turnout shall be provided. When such a turnout is provided, the number of on-site parking spaces may be reduced by a maximum of either five (5) spaces or two and one half (2 1/2) percent of the required

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number of spaces, if approved by the reviewing authority pursuant to Section 23.05.B.5.

- B. Modification of parking standards. The reviewing authority may allow a reduction of the required on-site parking spaces, provided that the City determines that a suitable area exists on the site on which to provide the additional required spaces if needed; that the area which would have been used for parking will instead be used for landscaping until such time as it is converted to parking; and that the number of parking spaces provided is adequate and such reduction will not create a traffic safety hazard. In the event the City's Traffic/Transportation Engineer determines the additional spaces are needed for traffic safety, or an intensification of use is proposed on the site, the City may require provision of the additional spaces. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)

**Section 87.04 Use of Parking Spaces**

- A. General. Required parking spaces shall be used only for parking of vehicles for property owners, guests, renters, patrons or employees. Required parking spaces shall not be used for sale, display, rental, storage or repair of motor vehicles.
- B. Residential zones. No vehicle which is registered for commercial purposes pursuant to applicable provisions of the Vehicle Code of the State of California or other jurisdiction and which has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more shall be parked or left standing on any residentially zoned property, in excess of thirty consecutive minutes unless it falls within the exceptions given in Chapter 15.101 of the Palmdale Municipal Code.
- C. Commercial and industrial zones. Required parking spaces shall not be used or permitted to be used for the repair, servicing or storage of vehicles, or for the storage of recycling bins, property or materials, nor shall the racks and pump

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blocks used in auto repair shops or other similar uses be considered in calculating required parking spaces.

### **Section 87.05 Design Standards**

The following design standards shall apply to all off-street parking areas:

#### **A. Location**

1. Single family residential uses. Off-street parking spaces for single-family detached dwellings shall be located on the same lot or parcel on which the dwelling is located. No parking space required by this article shall be located in the required front, side or rear setback area except as otherwise provided in this Ordinance.
2. Multi-family residential uses. Off-street parking spaces for all other dwelling types shall be located on the same development site and on the same lot or parcel, but in no event more than one hundred fifty (150) feet from the dwelling unit for which the parking space is provided. No parking space required by this article shall be located in the required front, side or rear setback area.
3. Commercial and industrial zones. Required off-street parking in commercial and industrial zones shall be located as follows: *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
  - a. Parking shall be located on the same lot, or, with a reciprocal parking and access agreement approved by the City, on a lot contiguous to the building, structure or use to be served. Where parking is proposed to be located off-site, the location of such parking and where applicable, the lot itself, shall approved by the reviewing authority. Any term agreements between private property owners shall be recorded and shall require City approval



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prior to termination. Pedestrian access shall be available within a distance of not more than two hundred (200) feet measured from the nearest point of public access to the building, to the nearest part of the off-site parking area, unless otherwise approved by the reviewing authority. Such separated parking area shall be useable without causing unreasonable traffic congestion, detriment to any residential neighborhood, or safety concern to pedestrian or vehicular traffic in the vicinity.

- b. Except as otherwise provided in this Ordinance, the required parking spaces shall not be located in the rear of commercial buildings unless direct access for the customers to the facility is provided.
- c. Subject to the approval of the reviewing authority, up to ten (10) percent of the required parking spaces may be located in the rear lot area of a commercial use, provided that the spaces are designated for employee parking only.
- d. All accessory parking facilities, whether provided in fulfillment of or in excess of the requirements of this Ordinance, and whether located on the same or on a different lot from the principal use, shall be located on property zoned the same or at a less restrictive designation as the principal use served by the parking.
- e. In industrial zones, employee parking may be differentiated from customer parking, and placed to the side and rear of the buildings. Customer parking shall be located near the main building entrance. Employee parking may be fenced and/or gated, and should have safe, well-lighted pedestrian access routes to employee entrances. Parking areas restricted to employee parking may use up to fifty (50) percent compact spaces.

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**B. Size**

1. Standard spaces. A standard parking space shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in depth.
2. Compact spaces. A compact parking space shall have minimum dimensions of eight (8) feet in width and fifteen (15) feet in depth. In commercial and industrial projects with twenty or more required parking spaces, up to twenty-five (25%) percent of the required spaces provided may be compact size as defined herein.
3. Angled parking. Except as specified elsewhere in this Article, the minimum dimensions of aisles for off-street parking spaces shall be as indicated in the table below:

Parking Angle:	Parallel	30°	45°	60°	90°
One-way aisle (D)	12'	16'	18'	20'	26'
Two-way aisle (D)	26'	26'	26'	26'	26'

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4. Handicapped spaces. Whenever any off-street parking is required, spaces shall be provided in accordance with the latest version of Title 24 of the California Code of Regulations. (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)
5. Spaces next to walls. Any uncovered parking space located next to a wall or other solid barrier shall be widened by an additional two (2) feet.
6. Parking structures. In multiple bay parking structures, where covered parking occurs that provides pillars and posts for roof supports, parking stall design shall provide for a clear parking stall dimension with no encroachment of structural supports.
7. Garages and carports. The minimum interior dimension for a single car garage or carport shall be ten (10) feet wide by twenty (20) feet deep. The minimum interior dimension for a two (2) car garage or carport shall be twenty (20) feet wide by twenty (20) feet deep. Additional spaces in garages having more than two parking spaces shall have minimum dimensions of nine (9) by eighteen (18) feet.
8. Reduced parking space length and width prohibited. No reduction of parking space length or width will be allowed.

**C. Access and design**

1. Access points. Entrances from and exits to streets and alleys shall be provided at locations approved by the City. Except for single-family detached dwellings, and unless expressly recommended otherwise by the Traffic Engineer, access drives onto public streets shall be more than one hundred fifty (150) feet apart, measured centerline to centerline.

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**2. Width of access drives**

- a. Single Family Residences and Duplexes. The minimum width of access driveways for detached single-family residences and duplex residences on a single lot shall be ten (10) feet. For single-family detached residences, an unobstructed paved driveway a minimum twenty (20) feet in length shall be provided within the required front setback. No portion of the public sidewalk shall be counted towards meeting this requirement. Driveways for three- or four-car garages should be tapered down to a standard two-car width at the street.
- b. Multi-family residential developments. Access drives which are not located next to parking spaces shall have a minimum width of twelve (12) feet for a one-way drive aisle and a minimum width of twenty-six (26) feet for a two-way drive aisle. This requirement shall apply to any residential use where more than 2 dwelling units are located on a parcel, including condominium-type arrangements. A minimum five (5) foot driveway apron shall be provided between the garage and any private street or drive aisle.
- c. Commercial and industrial uses. Access drives shall have a minimum width of twelve (12) feet for a one-way drive aisle and a minimum width of twenty-six (26) feet for a two-way drive aisle.
- d. Private industrial and commercial streets. Private streets serving industrial and commercial developments shall have a minimum vehicle access width of forty (40) feet.

**3. Circulation design**

- a. Except for single-family detached dwellings, groups of four or more parking spaces shall be located and served by an access drive in



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such a way that the use of the spaces and access drive will require no backing movement or other maneuvering within a street right-of-way, excluding alleys.

- b. On-site circulation shall be designed in such a manner that all parking spaces are useful for the intended purposes and the internal circulation pattern is safe and efficient for motorists and pedestrians.
- c. Parking aisle length shall not exceed 350 feet without a cross aisle for vehicle circulation.
- d. Adequate clear throat distance shall be provided at all parking entrance and/or exit driveways.
- e. The arrangement of parking spaces should avoid backing of vehicles onto ring roads, perimeter roads, or major aisles.
- f. Tangent or long radius sections of aisles along the perimeter of buildings should be less than four hundred (400) feet.
- g. Adequate driver sight distance shall be provided throughout all parking areas.
- h. Four-way aisle intersections should be avoided.
- i. Access should provide for adequate turning radii for all movements, especially for truck access.
- j. Circulation within the parking area should be provided to avoid use of streets as a substitute for on-site circulation.
- k. Dead end aisles should be avoided.

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- l. Buildings, vehicular circulation, and landscaping shall be arranged so that pedestrians moving between buildings, and between building and parking areas, are not unnecessarily exposed to vehicular traffic.
- m. Approved compact parking spaces should be grouped and clearly marked for compact car use, rather than being scattered throughout the lot in a manner which makes their location unclear to users.
- n. Each development shall contain at least one clearly designated route for pedestrians connecting the street, the parking area, and the main building entrance(s). Access for people with disabilities shall be provided in accordance with state and federal statutes, and shall provide a convenient and efficient circulation system for these individuals.
- o. For retail and office uses, parking spaces should be located within 150 feet of a building entrance, or a sidewalk leading to a building entrance.
- p. Parking lot layout should minimize the need for pedestrians to cross parking aisles and landscape areas to reach destination points.
- q. Where adjacent parking areas are connected, design should provide for coordinated circulation and aisle alignments to reduce vehicular conflicts at points of connection.
- r. Use of individual wheel blocks should be avoided.
- s. Except in parking structures, a minimum vertical clearance of fifteen (15) feet shall be provided for all parking spaces.

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**D. Slopes**

1. Parking spaces and turnarounds. All parking lot areas used exclusively for parking and turnarounds shall be designed and improved with a grade not exceeding five (5%) slope. Parking spaces for the handicapped shall conform to the slope requirements of Title 24 of the California Code of Regulations and the Americans with Disabilities Act.
2. Driveways. All driveways within a parking lot used exclusively for ingress and egress or interior parking lot circulation shall be designed and improved with grades not to exceed a ten (10%) percent slope. Driveways providing a means of ingress and egress to a lot upon which is proposed to be located a single family detached dwelling shall not be subject to this requirement.

**E. Drainage.** Parking areas, aisles and access drives shall be graded and drained to dispose of surface water without damage to private or public properties, streets or alleys. All parking and circulation areas shall be designed with an adequate drainage system and improvements shall consists of appropriate devices as specified by the City Engineer.

**F. Surface.** All parking areas, aisles, and access drives shall be paved as follows, unless alternate materials are approved by the City Engineer:

1. Residential areas. A minimum of two inches (2") of asphalt on four inches (4") of compacted base, or four inches (4") of concrete;
2. Commercial and Industrial Areas. A minimum of three (3") inches asphalt on four (4) inches of compacted base unless otherwise required by City Engineer based on soil studies.

**G. Striping.** Parking lots shall be completely striped, indicating individual parking spaces and traffic lanes as provided in a striping/parking plan submitted to and approved by the City. Except for parallel parking, the striping of all other parking

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spaces shall be either single line or double line. All parallel parking spaces shall be striped with single lines. Handicapped spaces shall be striped, marked and signed in accordance with Title 24 of the California Code of Regulations.

### H. Landscaping *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

The following landscaping requirements shall apply to all off-street parking areas for residential and commercial zones and uses, and for public/institutional uses consistent with these zones. For industrial zones and for public/institutional uses consistent with these zones, the following landscaping requirements shall apply to off-street parking areas which are visible from arterial streets, freeways, and less-intensive land use districts. For parking lots in industrial areas which are not visible to the general public from arterial streets, freeways, or less-intensive land use districts, the requirement for parking lot landscaping may be reduced or waived by the reviewing authority.

#### 1. Interior.

- a. Landscaping shall be provided within parking areas so that at least five (5) percent of the surface area of the parking lot is landscaped (excluding perimeter and front setback landscaping). Landscaping should be dispersed throughout the parking lot in order to provide shade throughout the lot.
- b. Required interior landscaping may be provided as approved by the reviewing authority, but must include the following measures:
  - (1) One (1) canopy tree per four (4) parking stalls (or eight parking stalls when two rows of four share a common frontage);
  - (2) A minimum fifty (50) percent of the parking lot trees shall be a minimum two (2) inch caliper in a 24-inch box size or larger container. A minimum twenty (20) percent of the parking lot trees shall be a minimum two and one half (2½) inch caliper in a 36-inch



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box size or larger container. *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

(3) Landscape planters shall be a minimum of six (6) feet in width (inside dimension), except that tree wells located between parking rows and spaces may be a minimum of four feet in width (inside dimension). All landscaping and planting within paved areas shall be contained within raised planters surrounded by six (6) inch concrete curbs. *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

(4) Bumper blocks or curbs shall be placed a minimum of thirty (30) inches away from the trunk of any tree.

(5) Landscape islands a minimum ten (10) feet in width with minimum aisle turning radii of ten (10) feet shall be provided at the end of all parking rows, except where parking rows directly abut buildings, sidewalks, walls or similar features.

(6) For parking rows containing fifteen (15) or more spaces, one (1) landscape island within the interior of the parking row shall be provided per fifteen (15) parking spaces in addition to the required row end landscape islands.

(7) Landscape islands shall not extend closer than three (3) feet from the aisle end of the adjacent parking space(s).

(8) All landscape islands shall be designed with a six (6) inch curb and an additional paved strip to provide a minimum one (1) foot wide paved landing area where abutting the side of parking stalls. Paved areas shall not be counted toward fulfilling landscape requirements or meeting minimum width requirements specified in

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paragraph (3) of this subsection. (*Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.*)

(9) All landscape islands shall be designed with a minimum two and a half (2 1/2) foot area free from vegetation where the front of a vehicle may overhang the island. Overhang area should be surfaced with non-living landscape material such as bark, gravel or rock. Two and a half (2 1/2) feet of the overhang area may be counted as part of the overall parking space length.

- c. For projects requiring twenty (20) or fewer parking spaces on site, the required width of required landscape islands may be reduced to four (4) feet, and the requirement for landscape islands within the interior of the parking row may be waived, subject to a determination by the reviewing authority that an equivalent amount of overall site and parking lot landscaping is provided and that the parking lot is provided with a reasonable amount of shade.
- 2. Adjacent to vacant property. Landscaping along a property line adjacent to an abutting property that has no entitlement application on file for development is required to be defined by use of a six inch concrete curb or a block wall or six inch concrete mowing strip or a combination thereof.
- 3. Adjacent to streets. Where parking areas are located adjacent to a street, vehicles shall be screened to a height of at least three (3) feet by means of landscaping, low-profile walls, berms, lowering of the grade of the parking area relative to the street, or a combination thereof.
- 4. Irrigation. All portions of a parking lot devoted to landscaping shall be provided with a permanent automatic irrigation system designed for water conservation.
- I. Fire Lanes. All Fire Lanes shall be identified through signs or pavement markings for "NO PARKING" in accordance with Fire Department Specifications.

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- J. Maintenance. All parking facilities shall be maintained in good condition in accordance with the provisions of Article 87 of the Zoning Ordinance. The maintenance thereof may include, but shall not be limited to the repaving, oiling and striping of a parking area and the repair, restoration and/or replacement of any parking area design features when deemed necessary by the Director of Planning to insure the health, safety and welfare of the general public.
- K. Tandem parking. Except where specifically allowed herein, required parking spaces shall not be in tandem. All parking spaces shall be free of obstructions and parking shall be accomplished in a continuous forward movement.
- L. Screening of parking lots (*Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.*)
  - 1. In residential and commercial zones and for public/institutional uses consistent with these zones, parking lots abutting a street or a less intensive land use district shall be designed to avoid headlight glare and to minimize the visual effect of large paved areas. Screening requirements may be established by the reviewing authority and may include but are not limited to use of landscaped berms, changes in grade, a decorative wall not to exceed three (3) feet in height, or a combination thereof.
  - 2. In industrial zones and for public/institutional uses consistent with these zones, parking lots adjacent to arterial streets, freeways, or less-intensive land use districts shall be designed to provide adequate screening, as set forth in paragraph L.1. of this Section. For parking lots which are not visible to the general public from arterial streets, freeways, or less-intensive land use districts, the requirement for parking lot screening may be reduced or waived by the reviewing authority.

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### **Section 87.06 Shared Parking**

- A. Requirements. Shared parking facilities may be considered only if the following requirements are met:
1. The uses that propose to share parking generate their parking needs primarily at different times and will cooperatively establish and operate shared parking facilities.
  2. The applicant has provided substantial evidence and documentation (including a description of all uses and operating characteristics) that a sufficient number of spaces are being provided to meet the parking demand of all participating uses at any given time of the day, week, or year.
  3. All shared parking spaces shall be located so as to be reasonably accessible to the uses they serve, and shall not be separated from such uses by any street, unless otherwise approved by the reviewing authority.
  4. Reasonable pedestrian connection shall be provided from any shared parking spaces to all the uses that they are proposed to serve.
  5. Covenants, conditions and restrictions (CC&R's), deed restrictions, or other agreements as may be required by the reviewing authority are executed and recorded ensuring that required parking is provided and that the uses and operating characteristics of all participating uses are maintained.
- B. Review process. Requests for shared parking shall be considered as follows:
1. Existing development. Where the request involves an existing development, an application shall be filed pursuant to Section 23.04 (Minor Modification to Approved Plans).



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2. New development. Where the shared parking is being proposed as part of a Site Plan Review or Conditional Use Permit application, the request shall be processed concurrently with said applications.
- C. Additional requirements. Nothing in this section shall preclude the reviewing authority from placing additional conditions to protect the health, safety and welfare of the residents of the City or to establish the number or percentage of off-street parking to be shared.
- D. Any entertainment use which utilizes parking lot locations, such as street hockey or remote control vehicle racing, may be considered only if the following requirements are met:
  1. The use is permitted in the zone in which the parking lot is located.
  2. The requirements set forth in Section 87.06.A. through 87.06.C. are met, and necessary parking is not diminished.
  3. Sanitary facilities are provided or are available for the use.
  4. The use is located so as not to impact adjacent uses by virtue of noise, dust or litter.
  5. No special lighting is erected for the use.
  6. No amplified sound systems are utilized.

**Section 87.07 through Section 87.19 Reserved**

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**Section 87.20 Loading Zone Standards**

Every use, building or structure shall have permanently maintained off-street loading and unloading spaces as follows:

**A. Number of loading spaces required**

All off-street loading facilities shall have the number of spaces required per building based on proposed or projected use or uses as specified in the following standards, except as they may be modified by the reviewing authority pursuant to Chapter 23 (Variances and Minor Exceptions).

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USE	FLOOR ARE (SQ. FT.)	BERTHS REQUIRED
Restaurants and other eating and drinking places (each additional 50,000)	less than 4,000 4,000 to 20,000 20,001 to 50,000 (each additional 50,000)	0 1 2 1
Administrative office, medical, professional office, personal and financial services Hotels, motels, Hospital and sanitariums, Commercial, Recreational	less than 10,000 10,000 to 100,000 100,001 to 200,000 (each additional 100,000)	0 1 2 1
Warehouses, storage facilities, Manufacturing other industrial uses and retail	less than 5,000 5,000 to 30,000 30,001 to 80,000 80,001 to 150,000 (each additional 100,000)	0 1 2 3 1

The number of loading spaces shall be computed as follows:

1. A fraction of a space greater than one-half (1/2) shall be counted as a whole space.

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2. In the case of mixed uses, the total number of required loading spaces shall be the sum of the requirements for the various uses proposed for each building.
3. Requirements for uses not specifically listed herein shall be based upon the requirements for comparable uses listed and upon the particular characteristics of the use as determined by the Director of Planning.
4. No area may be utilized and counted both as a required parking space and a required loading berth space.
5. No part of an alley or street shall be used for loading except areas designated by the City for loading.

**B. Location** *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

1. Required loading facilities shall be located on the same site as the use requiring such facilities.
2. No required loading facilities shall be located in any required setback areas.
3. Loading areas and docks shall be permitted only in rear and side lot areas, and shall be located behind the main structure where feasible so as to be screened from public rights-of-way by the building placement.
4. For buildings abutting the freeway, loading areas should be located on the side of the building away from on-coming travel lanes.
5. Passenger loading spaces shall be located so that passengers need not cross drive aisles to walk from the loading space to the building entryway.

**C. Size.** All off-street loading facilities shall comply with the following minimum dimensions, except that passenger loading spaces shall be at least ten (10) feet



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by twenty (20) feet: *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

USE	BERTH WIDTH	BERTH LENGTH	CLEARANCE	TURNING RADIUS
Industrial uses Warehouses	12'	50'	15'	45'
Office commercial Retail commercial Restaurants	11'	30'	15'	32'

D. Design standards *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*

1. Loading spaces shall be located and designed so that trucks shall not back into a public street or alley nor shall a loading area be designed to require the use of a public right-of-way for access to a loading dock.
2. Sufficient space for turning and maneuvering loading vehicles shall be provided on the site.
3. Loading doors should not open toward public streets; when these features must face a street due to prevailing winds or site constraints, they must be screened.
4. Vertical clearance of all access aisles or drives to loading areas shall not be less than fourteen (14) feet above finished surface.
5. Loading areas in commercial, office, and public/institutional uses compatible with residential or commercial zones shall be screened from

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view by architectural means, which may include a screen wall architecturally consistent with the building design. Screen walls may be required to be softened with landscaping, where appropriate. A lowered grade for loading docks, where practical, can minimize views while avoiding tall walls.

6. Loading areas in industrial zones and public/institutional zones compatible with industrial zones should be screened from arterial streets, freeways, and less-intensive use districts, as set forth in paragraph D.5. of this Section. Loading should be located at the rear of the site, and should be offset from driveway openings where feasible.
7. Loading areas should be paved with a minimum of four (4) inches of asphalt over six (6) inches of base material, or as otherwise approved by the City Engineer.
8. Hardware for rolling doors should be placed on the inside of the building.

### **Section 87.21 Bicycle Parking Facilities**

All non-residential developments containing twenty or more automobile parking spaces shall be required to provide bicycle parking facilities in conformance to this Section:

- A. Number of spaces. Every non-residential development containing over twenty parking spaces shall provide a minimum of two bicycle rack spaces for the first fifty parking spaces, and one additional bicycle rack space for each additional fifty parking spaces. Fractional requirements of .5 or greater shall be considered as a full bicycle rack space.

In no case shall the number of bicycle racks accommodate less than 4 bicycles for the first 50,000 square feet of non-residential development, and 1 bicycle per each additional 50,000 square feet of non-residential development.

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- B. Location. Bicycle racks shall be located in such a manner as not to interfere with pedestrian or vehicular traffic and shall be conveniently placed near front and employee entrances. Location of bicycle racks should provide for surveillance of the area from the primary building parking and pedestrian access areas, to provide for security of the bicycle parking area. *(Zoning Ordinance Amendment 97-5, adopted by City Council July 9, 1997.)*
- C. Access. Safe and convenient access shall be provided from the external circulation system to the bicycle parking facilities on-site.
- D. Bicycle racks. The required bicycle rack spaces shall consist of a rack or other secure device for storing and protecting bicycles from theft.

**Section 87.22 Modification to Parking and Loading Requirements**

- A. Minor reductions in the number of required parking spaces or reconfigurations of parking lots to meet requirements of the Americans with Disabilities Act may be granted through approval of a Minor Exception, pursuant to Section 23.03.B.
- B. Any deviation from the requirements of this Article not specifically authorized as a Minor Exception shall be deemed a Variance and may be approved pursuant to Section 23.03.D.





**ARTICLE 88 SIGNS**

**Section 88.01 Intent and Purpose**

The intent of this Article is to implement the Palmdale General Plan and to promote and protect the public health, safety and welfare by regulating the design, quality of materials and construction, illumination, location, number, and maintenance of all signs, sign structures and billboards. The purposes of this Article, in addition to those expressed in the General Plan, are as follows:

- A. To assure that signs are compatible with the character of their surroundings and the community as a whole.
- B. To preserve and improve the appearance of the City as a place to live, work, trade, do business and visit.
- C. To protect the City from the blighting influence of excessive signage so as to preserve and enhance the economic base of the City and safeguard property values within the City.
- D. To assure that signs are appropriate to the type of activity to which they pertain.
- E. To inventory, identify and abate all illegal, abandoned and improperly maintained signs.
- F. To regulate signs, and in particular, off-premises outdoor advertising structures, so as to avoid increasing the hazards to motorists and pedestrians caused by distracting signage.
- G. To identify precisely those areas and/or zones where the installation of additional off-premises outdoor advertising structures should be prohibited due to the importance of such areas to the environmental, economic or other development goals and objectives of the City.

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- H. To provide for the relocation of existing legal off-premise outdoor advertising structures so as to minimize the adverse effects of such signs on the City's goals and objectives, in accordance with Business and Professions Code section 5412.
- I. To remove off-premises outdoor advertising sign structures from the residential areas of the City, in accordance with Business and Professions Code section 5412.

### **Section 88.02. Definitions**

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

**Abandoned Sign.** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project, or activity conducted, or product available on the premises where such sign is displayed.

**Animated Sign.** Animated signs are defined as having moving parts or lighting or motion picture projection, which creates the illusion of moving parts, animated viewing screens, flashing, chasing, scintillating, or twinkling lights.

**Apartment/Multifamily Identification Sign.** Signs identifying an apartment or multifamily building or an apartment or multifamily complex by name and/or address.

**Area, Sign.** The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits or writing, representation, emblem, or any figure of similar character, together with any frame, background area, structural trim, or other material, light or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a sign designed with more than one exterior surface, the area shall be computed as

including only the maximum single display surface which is visible from any ground position at one time. The supports or uprights on which any such sign is supported shall not be included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the display.

**Banner Sign.** A temporary sign composed of light weight material not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

**Barber Poles.** Rotating or stationery cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

**BIA.** Building Industry Association, Antelope Valley Chapter.

**Billboard.** Any Off-Premise Outdoor Advertising Sign Structure, including any outdoor advertising display.

**Building.** In addition to its common meaning, any structure requiring a building permit.

**Building Facade.** That portion of any exterior elevation of a building extending vertically from grade to top of a parapet wall or eaves, and horizontally across the entire width of the building elevation.

**Building Sign.** A sign which gives the name of a building itself, as opposed to the name of occupants or services.

**Business Office.** An office which has as its main function the arrangements of business transactions, the holding of sales meetings and administrative conferences, the receiving of client payments, and the keeping of records and accounts pertaining to the particular business.

**Business Sign.** A sign displaying information pertaining to goods, services or entertainment offered or produced by the business located on the same property as the business sign but not including advertising devices or advertising displays.

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**Canopy Sign.** Any sign attached to the underside or printed or constructed upon a canopy or attached to the underside of a projecting canopy protruding over public or private sidewalks or right-of-way and having the required ground clearance as otherwise required in this Ordinance.

**Cabinet Sign.** A sign consisting of one or more translucent panels containing sign copy, which are interchangeable and which are affixed to an internally illuminated box or cabinet mounted on a building or monument structure.

**Change of Copy.** The changing of an advertising message on a lawfully erected sign. A change of copy does not include the following (all of which acts shall be considered as the placing of a new sign): any alteration or reconfiguration of the outside dimensions of a sign, any structural modifications of a sign and/or relocation of all or any portion of a sign.

**Changeable Copy Sign.** A sign on which message copy can be changed through use of attachable letters and numerals, or by electronic switching of lamps or illuminated tubes.

**Commercial Advertisement.** Any advertisement which has, as its primary purpose, the promotion or the sale of goods or services by a commercial business or enterprise to the public generally or any significant part thereof.

**Commercial Banners, Commercial Flags and Commercial Pennants.** Banners, flags and pennants generally made of flexible material, displayed for business promotion purposes.

**Construct.** When used with reference to a sign, means to install, erect or place on the ground or on a building structure, or to affix, paint or post on or to a building or structure.



**Construction Signs.** Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the future tenant(s).

**Directional Sign.** Any sign which serves solely to designate the direction or the location of any place or area and is placed on the property to which the public is directed.

**Directly Illuminated Sign.** Any sign constructed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

**Directory Signs.** A sign or a set of similarly designed individual signs placed or displayed in sequence, to list all or part of the businesses within a building or business center.

**Double-Faced Sign.** A sign with copy on two parallel faces, legible from opposite directions.

**Fair Market Value.** The amount to be determined pursuant to Business and Professions Code section 5412.

**Flashing Sign.** Any sign which contains or is illuminated by lights which are intermittently on and off, which change in intensity or which create the illusion of flashing in any manner.

**Freestanding Sign.** A sign wholly supported by one or more uprights, or upright members in or upon the ground, which are not a part of or supported by a building, and are not temporary in nature. (Ground sign or detached sign.)

**Free-Standing Business Center Identification Signs.** Free-standing signs which identify a business center, and not the individual businesses located therein.

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**Free-Standing Individual Business Identification Signs.** Free-standing signs which identify a building, business, profession or industry not located within a business center but located as a free-standing sign identifying an individual business.

**Freeway.** A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

**Frontage.** The length of the property line of any one parcel parallel to and along each public right-of-way which it borders.

**Frontage, Building.** The width of the building facing the public or private right-of-way, excluding eaves or roof overhangs. Where a building has more than one street frontage, the building frontage of the main public entry shall be measured. The amount of frontage shall be measured continuously along such building wall for the entire length of the subject business or use. Where a building faces two (2) or more rights-of-ways, the frontage containing the principal entrance to the building shall be designated as the building frontage.

**Frontage, Primary.** The frontage which provides the subject building with its main or principal orientation to a public or private right-of-way, whether or not such frontage has a public entrance to the building.

**Frontage, Secondary.** Any frontage, other than primary frontage, that has a public entrance to the subject building.

**Frontage, Street.** That portion of a building or property which faces or abuts a street or streets. For the purpose of this Ordinance, the Antelope Valley Freeway shall not be deemed to be street frontage.

**Gasoline Price Signs.** On-premise signs identifying the brand or type and price of gasoline sold.

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**Gross Leasable Floor Area.** The sum of all floor areas, measured from the outside edge of the exterior wall of the building. Structures on the roof or on the ground which enclose mechanical equipment, etc., shall not be counted as floor area.

**Habitable Structure.** A structure that is suitable for human occupancy for purposes of employment, habitation or other purpose.

**Height of Freestanding Signs.** The greatest vertical distance measured from grade to the top of the sign and any accompanying architectural feature of the sign. Any intentional grade elevations by mounding, reconfiguration or by any other means in order to achieve an increased overall height shall be counted in the calculation of sign height.

**Height of Non-Freestanding Signs.** The greatest vertical distance measured from the bottom to the top of the sign.

**Human Signs.** Any person having a visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks or other outside public areas for identification purposes, which person in any manner, or by any means, whether enumerated in this Subsection or not, conveys a message, announces or directs attention to the name, nature, merits, availability, price, or type of goods, services, or products produced, sold, stored, furnished, or available at that location or at any other location.

**Identification Sign.** A sign limited to identifying the name and/or street address, symbol or insignia, or any combination thereof, of a building, use or persons occupying the premise on which the sign is located.

**Illuminated Signs.** Signs in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.



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**Industrial Park.** A group of three (3) or more businesses located in industrially designated property which are situated as an integral unit on a single parcel of land or on separate parcels of land and which businesses utilize common off-street parking or access.

**Information Kiosk.** A free-standing or wall-mounted sign containing locational information directing users to individual uses within a business, industrial or public complex of uses and/or buildings, and providing information about such uses. The information kiosk may also contain message bulletin boards or community information, but shall not contain advertising.

**Informational Sign.** A sign which conveys information such as restrooms, no parking, entrance, hours of operation of a business, emergency telephone numbers, credit card usage, or other information of a similar nature.

**Kiosk Sign Program.** A uniform off-site subdivision directional sign, administered by the BIA or an agency as determined by resolution of the City Council for the purpose of providing travel directions to a residential subdivision.

**Logo.** A portion of a sign depicting a symbol or trademark, used to enhance consumer recognition of the business enterprise being advertised on the sign.

**Maintenance.** Any activity relative to repair, restoration or preservation of an existing sign, display or device in a state similar to that when originally installed or erected.

**Marquee Sign .** Any sign attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Monument Sign.** A low profile freestanding sign which has a supporting base incorporating the design and building material of the primary use of the property.



**Non-Conforming Sign.** Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this Article, and which fails to conform to all applicable regulations and limitations of this Article.

**Office.** See Professional or Business Office.

**Off-Premise Outdoor Advertising Sign Structure.** Any Outdoor Advertising Sign Structure which contains or is intended to contain any Off-Premise Advertisement. Notwithstanding anything herein to the contrary, the term "Off-Premise Outdoor Advertising Sign Structure" shall not include temporary signs governed by Section 88.05.H of this Article or off-site subdivision directional signs, provided such off-site subdivision directional signs comply with the kiosk sign program approved by the City Council for the purpose of regulating such off-site subdivision directional signs, and are approved by the Planning Director as so complying.

**On-Building Identification Signs.** Permanent signs mounted on the building which identify a building or which identify the business(es), profession(s), or industry(ies) conducted on the premises.

**On-Premise Advertisement.** Any Commercial Advertisement which pertains solely to goods or services which are produced or offered for sale on the premises where the advertisement is displayed.

**Outdoor Advertising Sign Structure.** A sign, display, or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure used for the display of an advertisement to the general public when viewed from the exterior of a building or similar enclosed area.

**Painted Sign.** A copy painted directly on the building walls or other surfaces, either as non-illuminated copy, or indirectly illuminated copy.

**Parapet.** The portion of a building wall that rises above the roof level.

**Political Sign.** A sign erected prior to election to advise or identify a candidate, campaign issue, election proposition or other related matters.

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**Portable, Movable, or Temporary Sign.** Any sign for which a building permit has not been issued, and which is not permanently affixed or erected, or any sign which is intended to be movable or capable of being moved from place to place, whether or not wheels or other special supports are provided.

**Professional Office.** An office from which a doctor, lawyer, engineer, or architect or similar professional may offer services.

**Projecting Sign.** A sign characterized by its attachment at an angle to the face of a building as opposed to being mounted flat on the surface of a building.

**Real Estate or Property for Sale, Rent or Lease Sign.** Any sign pertaining to the sale, lease or rental of land or buildings.

**Relocate.** When used with reference to a sign, means to move a sign from one location to another or to remove a sign from one location and construct a similar sign at another location.

**Right-of-Way, Public.** A public street or highway, but not including a freeway.

**Roof Line.** The ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Roof Sign.** Any sign erected upon, against, or directly above a roof, or projecting above the parapet of a building. Signs erected on a mansard roof shall not constitute a roof sign.

**Seasonal or Holiday Signs.** Signs such as Christmas decorations, those used for a historic holiday, and installed for a limited period of time.

**Shopping Center.** A group of three (3) or more commercial retail businesses which have been designed and developed together as an integral unit on a single parcel of land or separate parcels of land and which businesses utilize common off-street parking or access.

**Sign.** Any object having a visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks or other outside public areas for identification purposes, including but not limited to, all outdoor advertising and any card, cloth, paper, paint, plastic, metal, painted glass, or wooden or stone materials, and any and all devices, structural and otherwise, lighted or unlighted, painted or not painted, attached to, made a part of, or placed in the window of, or in the front, rear, sides, or top of any structure on any land or any rock, bush, wall, tree, post, fence, building, or structure, which device in any manner, or by any means, whether enumerated in this Subsection or not, conveys a message, announces or directs attention to the name, nature, merits, availability, price, or type of goods, services, or products produced, sold, stored, furnished, or available at that location or at any other location.

**Sign Face.** The surface or that portion of a sign upon which the sign copy or message is located that is visible from a single point as a flat surface or a plane.

**Sign Program.** An approved plan by either the Planning Commission or the Director of Planning or his or her designee setting forth all signage for a proposed development.

**Sign Structure.** Any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

**Subdivision Directional Signs.** Off-premises signs providing information on the location of a subdivision whose lots, parcels or units are being offered for sale, lease or rent.

**Subdivision Identification Signs.** On-premises signs advertising developed or undeveloped real property which has been divided into five (5) or more lots, parcels or units, for sale, lease or rent.

**Temporary Signs.** Signs to be displayed for a specific period of time or event and which are removed immediately after the completion of the event.

**Time and Temperature Signs.** Signs displaying the time or the temperature or both.



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**Under-Canopy Signs.** Signs suspended no lower than eight feet (8') above the public right-of-way under a canopy or awning of a building, which identify a business, profession or industry conducted on the premises.

**Unlawful Sign.** A sign which was constructed illegally and which violates this Article, or which the Director of Planning declares to be unlawful because it has become dangerous to public safety.

**Upgrade.** Any activity intended to improve the design quality and aesthetic appeal of an existing sign, display, or device by modifying structural elements of, or providing substantial cosmetic enhancements to, such sign, display or device.

**Vehicle Sign.** Any sign painted upon the body or attached in an approved manner to the door of an operative vehicle which is used predominantly for deliveries, employee transportation, or other integral functions of the advertised business on a daily basis, provided that the maximum number of such signs is two (2) and the maximum size of each sign is four (4) square feet. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

**Wall Sign.** A sign attached to, painted or erected on the exterior wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

**Window Signs.** Signs constructed of paper, canvas, cardboard or painted with water soluble pigment which are to be displayed on the outside or inside of a glass window surface. This term does not include merchandise located in a window.

### **Section 88.03 Sign Permit Requirements and Procedure**

- A. Permit required. Except as otherwise provided in this Article, no person shall cause or permit the construction, enlargement, remodeling or upgrade of any sign, outside of a change of copy, without first obtaining a sign permit in



accordance with the provisions of this Chapter, and any other permits required by law.

B. Review process

1. Planning Director review. An application for a sign permit to construct a new sign or to enlarge or upgrade an existing sign for an existing building shall be reviewed by the Director of Planning. The Director shall approve the application if the Director finds that such application satisfies the standards set forth in paragraph C of this Section and the provisions of this Article.
2. Planning Commission review. An application for a sign permit to construct or erect a new sign for a proposed building or other proposed development shall be reviewed by the Planning Commission. The Planning Commission shall approve the application if the Commission finds that such application satisfies the standards set forth in paragraph C of this Section and the provisions of this Article.
3. Appeals. Any decision made by the Director of Planning may be appealed to the Planning Commission within ten (10) calendar days after the date the City sends notice to the applicant or interested party of the Director's decision, and any decision made by the Planning Commission may be appealed to the City Council in accordance with the provisions of Section 20.11. The decision of the City Council on any appeal shall be final.

C. Criteria for approval. No sign permit shall be issued unless the Director of Planning or the Planning Commission, whichever is applicable, finds that the application for a sign permit satisfies, or with conditions can satisfy, all of the following requirements:

1. The business sign is necessary for the applicant's enjoyment of substantial trade and property rights;

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2. The sign is consistent with the General Plan, complies with the requirements of this Article and complies with other applicable laws and regulations;
  3. The sign is not detrimental to the public health, safety, or welfare;
  4. The design of the visual elements of the proposed sign, including but not limited to, the size, shape, decorative motifs, letters, figures, words (without regard to language), symbols, spacing, uniformity and proportions of such visual elements comply with generally accepted standards of quality for professional graphic artists;
  5. The location and design of the proposed sign does not obscure from view or unduly detract from existing or adjacent signs;
  6. The size, shape, color and placement of the sign is compatible with the building it identifies;
  7. The size, shape, color, illumination and placement of the sign is compatible with the neighborhood and with other lawful signs in the surrounding area so as not to detract from the character or quality of surrounding properties; and
  8. The location and design of a proposed sign that will be in close proximity to any residential district does not adversely affect the quality or character of such residential area.
- D. Application requirements. The application for a sign permit shall be made on the form provided by the Director of Planning and shall be accompanied by a processing fee established by resolution of the City Council. The application shall contain all of the following information and materials:
1. The location and size of any existing or proposed buildings or structures on the parcel where the sign is to be located.

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2. The location of off-street parking facilities, including major points of entry and exit for motor vehicles where directional signs are proposed.
3. A fully dimensioned plan including only those features directly related to the application indicating:
  - a. The intended location and position of the proposed sign; and
  - b. Its relationship to existing or proposed adjacent buildings, structures, signs, property lines, roadways and driveways on or adjacent to the parcel where the sign is to be located.
4. Fully dimensioned drawings showing proposed design, size, exact colors, materials and location of the sign or sign structures.
5. Photographs of all sides of any existing buildings or elevation drawings of sides of proposed buildings and structures where such signs are to be attached.
6. The method of attachment of the sign to any structure.
7. A statement showing the size and color relationships of such sign or sign structure to the appearance and design of existing or proposed buildings and structures on the parcel where the sign is to be located.
8. Such other information as the Director of Planning may specify to assure compliance with this Article.

**Section 88.04 Sign Program Requirements and Procedures**

- A. Review process. Anyone wishing to establish a sign program may submit such a program which conforms to all provisions of this Article to the Director of

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Planning. Upon submittal, the Director of Planning may approve, deny or forward the program for consideration by the Planning Commission.

- B. Contents. Sign program shall contain but not be limited to the following:
1. A coordinated project theme of uniform design elements;
  2. The method by which to calculate sign area;
  3. Methods of illumination;
  4. Height of letters;
  5. Choice of colors, if available;
  6. Lettering style, if available;
  7. Location of signs; and
  8. Methods of attachment to buildings.
9. The sign structure and any related supports shall be the same color and material throughout the project area.

#### **Section 88.05 Exemptions to Sign Permit Requirements**

The following signs, if not illuminated, shall be permitted without the requirements of a sign permit obtained from the Director of Planning in all zoning districts; however, they shall comply with other applicable requirements of this Article:

- A. Bus shelter signs. Signs located on bus shelters as specifically allowed by Resolution of the City Council.



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- B. Directional signs. Such signs shall be limited in number to five (5) signs or four (4) signs per frontage for any business premises that has more than one frontage. The maximum area for such signs shall not exceed two (2) square feet in area per sign and three (3) feet in height. A directional sign may display a logo of a business located on the subject property as well as an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.
- C. Flags. One each national, state, and local governmental flag properly displayed with a maximum of two (2) flags per pole, not to exceed thirty-five (35) feet in height and twenty-five (25) square feet in sign area.
- D. Governmental signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, safety signs, legal devices, or warnings at railroad crossings.
- E. Holiday decorations. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty (60) days in any one (1) calendar year.
- F. Information kiosks. Information kiosks may be located where permitted by the zone district. Information kiosks may be free-standing or wall-mounted, and shall not exceed six (6) feet in height or twelve (12) square feet in area per face (maximum twenty-four (24) square feet for a multi-sided kiosk). Information kiosks may be located within public property or right-of-way, subject to approval by the Director of Public Works. Contents of kiosk shall be limited to directions to uses within a complex of buildings or uses, and public service announcements. No individual advertising by any business is permitted on an information kiosk.
- G. Interior signs. Signs located inside a building or structure provided the sign copy is not visible from outside the building or structure or is not so located as to be conspicuously visible and readable without intentional and deliberate effort from outside the building or structure.

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- H. Memorial tablets and plaques. Memorial tablets and plaques, provided they shall not encroach upon public right-of-way.
- I. Notices or signs required to be posted by law.
- J. Official signs. Official traffic, fire and police related signs, temporary traffic-control signs used during construction, utility facilities and substructure location and identification signs and markers required to protect said facilities, and other signs and markers required by the City of Palmdale, the State Department of Transportation, or any other public agency.
- K. Open house signs. Signs advertising an open-house during the period of the open house only and not to exceed six (6) in number.
- L. Real estate advertising sign. One (1) unilluminated, double-faced real estate advertising sign, for sale, lease or rent of a single-family residence and residential lots of less than one (1) acre, when the sign is conforming to the following requirements:
  - 1. Sign area shall not exceed six (6) square feet and sign height shall not exceed six (6) feet;
  - 2. The sign shall be situated within the property line and shall not encroach upon public right-of-way; and
  - 3. The sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and shall be removed seven (7) days after the property is sold, leased or rented or the offer for sale, lease or rent is terminated. Property shall be deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sales contract, whichever occurs first.

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- M. Residential identification. One (1) residential building identification sign, used to identify individual residences, not exceeding two (2) square feet in area displaying only the name and/or address of the owner or occupant.
- N. Signs on vehicles. Vehicle signs, as defined in Section 88.02, provided that the vehicle is not parked in a required parking space adjacent to a public right-of-way for the primary purpose of advertising. Any signage required by state law or local ordinance to be affixed to a vehicle, or vehicle signage required to protect public health, safety and welfare is also exempt. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
- O. Subdivisions, off-site directional sign programs. Off-site subdivision directional sign program (Kiosk sign program) as per section 88.08.B.3 of this Article, establishing a uniform off-site subdivision directional sign program and Freestanding Residential Subdirectional Sign Program, administered by the Building Industry Association (BIA) or any other entity as set forth by a resolution of the City Council.
- P. Temporary non-commercial signs. All temporary non-commercial signs including, but not limited to, religious, charitable, civic, homeowner association, educational, political or cultural posters or special events of civic, philanthropic, educational or religious purposes when in conformance with subsection 1 below.
  - 1. Development standards. Temporary non-commercial signs shall be exempt only if they conform to all of the following standards:
    - a. Maximum size of the sign shall not exceed thirty six (36) square feet and the sign shall not be placed higher than eight (8) feet above the grade.
    - b. Special event signs shall not be posted for more than thirty (30) days prior to and seven (7) days after such event in any one (1) calendar year, except that political signs shall be exempt from the



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requirement that they may not be posted more than thirty (30) days prior to an election.

- c. Such signs shall not be permitted to be stuck, glued, painted, pasted, posted, nailed, stapled or otherwise affixed to any public property, public right-of-way, publicly owned sign, public appurtenance, utility pole, or fire hydrant. It shall be unlawful to attach, connect or otherwise affix any sign to another permanent or temporary sign, or direct, permit or allow such action without the permission of the owner of the permanent or temporary sign, or the property.
  - d. Such sign shall not be illuminated.
- 2. Violation. Upon a determination of any violation of the provisions of this subsection regulating all temporary non-commercial signs, the Director of Planning shall send notification in writing to the owner of such sign, if such owner is known, stating that the sign has been determined to be illegally erected and requiring its removal within ten (10) days of the date of such written notice. If the sign is not removed within the specified time period, the Director may cause the sign to be removed, and shall notify the sign owner in writing of any sign removal, stating the location where his or her sign is being held and that it will be destroyed if not claimed by the owner within ten (10) days after the date of such notice. In the event that the owner does not claim such sign within the ten (10) day period, the director may destroy or otherwise dispose of such sign. The owner of the sign shall reimburse the City for the actual costs of removing, storing and destroying or otherwise disposing of the sign.
- 3. Removal of signs. No person shall remove, destroy, relocate, or otherwise disturb any temporary non-commercial sign, or direct, permit or allow such removal, destruction, relocation or disturbance, without the permission of the party who erected the sign. It shall be presumed, as to signs for political candidates, that the political candidate or his or her



representative is the party who erected the sign. It shall further be presumed that the committee who has registered with the Secretary of State to support a position on a ballot proposition is the party who erected the sign taking the position on the ballot measure. Nothing in this subsection shall prohibit the owner of a piece of property, or his or her authorized representative, from removing a sign from his or her property when the temporary non-commercial sign has been erected without his or her consent; and provided, further, nothing in this subsection shall prevent the Director, Code Enforcement staff or other authorized representative of the City from taking action to abate sign violations.

- Q. Window signs, permanent. Permanent window signs not exceeding four (4) square feet in area and limited to hours of operation, address, and emergency information only.
- R. Window signs, temporary. Temporary window signs not exceeding 25% of the window area.

#### **Section 88.06 Prohibited Signs**

The following signs are prohibited:

- A. Animated signs.
- B. Balloons or other inflatable, wind activated or spinning devices.
- C. Banners and flags except as expressly permitted by this Article.
- D. Flashing signs (except time and temperature signs).
- E. Freestanding on-premise pole signs.

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- F. Human signs.
- G. Neon signs and decorative neon elements are permitted only in Zones C-3, C-4 or C-5, or in those portions of approved Specific Plans with commercial land use designations equivalent to Zones C-3, C-4 or C-5, subject to all applicable sections of Article 88. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
- H. Off-site directional signs except as determined by a resolution of the City Council or as specifically permitted by this Article. (*Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.*)
- I. Pennants, strings of pennants or streamers.
- J. Portable or A-frame signs except signs exempt under Section 88.05.
- K. Revolving signs, excluding barber shop poles.
- L. Roof signs.
- M. Signs that create a safety hazard by obstructing the clear view of pedestrian and vehicular traffic.
- N. Signs that display a message, graphic representation, or other image that is obscene as that term is defined in Section 311 of the Penal Code.
- O. Signs which by their color, wording, design, location, or illustration resemble, distract attention from, or conflict with any traffic control device.
- P. Signs within the public right-of-way or upon public property (except where approved or required by a government agency), including, but not limited to, any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device affixed or attached to or upon any public street, walkway, crosswalk, or

other right-of-way, curb, lamp post, hydrant, tree, telephone booth or pole, lighting system or any fixture of the police or fire alarm system.

- Q. Vehicle signs: No sign shall be temporarily attached to or placed upon any vehicle, including but not limited to trailers and mobile signs, unless otherwise specifically permitted by this Ordinance. This section shall not preclude the display of bumper stickers.

**Section 88.07 General Development Standards**

The following general provisions are applicable to all signs regulated by this Article. These general provisions apply in addition to any specific regulations in this Article.

- A. Calculation. Permitted area for any sign may be calculated based only on the frontage or side of a building on which the sign is located.
- B. Construction. Every sign and all parts, portions, units, and materials comprising the same, together with the frame, background, supports, or anchorage therefor, shall be manufactured, fabricated, assembled, constructed, and erected in compliance with all applicable Federal, State, and City laws and regulations. Any person or entity engaged in the business of constructing signs in the City shall have a valid state contractor's license and a City business license. No person shall erect, construct or install a sign or cause such sign to be erected, constructed or installed without having first obtained all required permits and licenses.
- C. Illumination. Unless otherwise prohibited by this Article, signs may be illuminated subject to the approval of the Director of Planning, the Planning Commission, or the City Council. The Director of Planning may approve illumination plans or proposals provided that the proposed illumination does not interfere with the use and enjoyment of adjacent properties or create any public safety hazards. The approval of any illuminated sign shall not be final until thirty (30) days after receipt by the Director of written notice that installation is

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complete. During the thirty (30) day period the Director may order the dimming of any illumination found to be excessively bright, and no sign approval shall be final or valid until such order has been carried out to the satisfaction of the Director. No illuminated sign or lighting device shall be placed or directed so as to permit or cause glare or reflection which may constitute a traffic or safety hazard or interfere with the use and enjoyment of a public street, walkway, or adjacent properties.

**D. Maintenance.** The following maintenance standards shall apply to all signs:

1. Every sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports, or anchorage thereof, shall be continuously maintained in a safe, structurally sound, neatly painted, and well-repaired condition.
2. Signs illuminated either internally or externally must be capable of being fully illuminated and legible and the face(s) must be intact without holes or other exterior facial damage.
3. Illuminated signs that are damaged or have defective lighting elements shall remain unlighted until repaired.
4. In the case of abandoned signs, any message or copy pertaining to the abandoned business must be removed and replaced with a blank panel within ninety-one (91) days of user vacancy.
5. Under no circumstances shall sign cabinets remain empty for periods exceeding ninety (90) days.

**E. Materials.** The types of materials for sign structures shall be, whenever possible and practical, the same as or similar to the material used on the related buildings.



- F. Obstruction of public passage. No sign may be constructed so as to obstruct any window, door, fire escape or other emergency exit of any building.
- G. Sign area. Maximum permitted sign area shall be based on the use of the building or property. When more than one (1) business is located in a building, the allowable sign area for each business shall be based upon the lineal frontage occupied by each business. Sections 88.08 through 88.14. provide the maximum permitted sign entitlements under this Article. Sign sizes and quantities may be reduced to satisfy the criteria set forth in Section 88.03.C.
- H. Sign integration. All signs shall be designed as an integral part of the total building design.

**Section 88.08 Residential Uses**

- A. Manufactured home subdivisions and parks. The following signs may be permitted in manufactured home subdivisions and parks:
  - 1. Identification signs
    - a. Number and type. One (1) wall or monument identification sign may be permitted per primary and per secondary frontage.
    - b. Dimensions. The sign for the primary frontage shall not exceed forty (40) square feet in area. The sign for the secondary frontage shall not exceed twenty-five (25) square feet in area. The maximum of any one (1) dimension of the sign face shall be ten (10) feet. The maximum height of a monument sign shall not exceed five (5) feet in height, including the base.
    - c. Location. Monument signs shall be set back a minimum of ten (10) feet from any property line.

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d. Illumination. Signs shall not be illuminated.

B. Single family residential subdivisions. The following signs may be permitted in single family residential subdivisions:

1. Identification sign

- a. Number. One (1) wall or monument identification sign may be permitted per each public street entrance to the project, not to exceed a maximum of two (2) such signs.
- b. Dimensions. The sign shall not exceed forty (40) square feet in area. The maximum of any one (1) dimension of the sign face shall be ten (10) feet. The maximum height of a monument sign shall not exceed five (5) feet, including the base.
- c. Location. Monument signs shall be placed at the project's boundary at the entrances to the project and shall be set back a minimum of ten (10) feet from any property line.
- d. Illumination. Signs shall not be illuminated.

2. Model homes

- a. Identification sign. One (1) model home sign identifying each particular model, not exceeding two (2) feet by three (3) feet in size may be permitted.
- b. Sales office identification signs. One (1) sign identifying the sales office location, not to exceed two (2') feet in width and three (3') feet in total height may be permitted. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)

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- c. **Flags.** Model home complex flags may be displayed on any two sides of models located on corner lots and on any one side of models located on all other lots. A maximum of six (6) model home flags may be permitted. Such flags shall not exceed three (3) feet by five (5) feet in area and fifteen (15) feet in height. Size, shape and material shall be chosen to alleviate noise levels to the greatest extent possible. Such flags shall be replaced when undue wear is evident as determined by the Director of Planning. Flags shall be removed immediately upon closure of the model home complex.
  - 3. **Off-site subdivision directional signs.** Signs directing traffic or persons to any residential subdivision for sale may be permitted subject to an approved sign program as adopted by resolution of the City Council. No person shall erect, construct, or install a sign or cause such sign to be erected, constructed or installed, directing traffic or persons to any residential subdivision for sale unless such structure is included as a portion of an approved sign program as adopted by resolution of the City Council.
- C. **Multiple family residential uses.** The following signs may be permitted for multiple family residential uses:
- 1. **Identification sign**
    - a. **Number.** One (1) monument identification sign per each public street entrance to the project, not to exceed maximum of two (2) such signs.
    - b. **Dimensions.** Maximum size of each sign shall not exceed forty (40) square feet in area and five (5) feet in height, including the base. The sign shall not exceed three and one-half (3-1/2) feet in height if located in the required front yard setback. The maximum of any one dimension of the sign face shall be ten (10) feet.

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- c. Location. The sign shall be set back a minimum of ten (10) feet from any property line.
- d. Illumination. The sign shall not be illuminated.

#### **Section 88.09 Office and Professional Uses**

The following signs may be permitted for office and professional uses:

- A. Identification sign. One (1) wall or monument identification sign per each primary and secondary frontage may be permitted subject to the following requirements:
  - 1. Monument signs. Monument sign shall be subject to the following standards:
    - a. Number. One monument sign per each primary and secondary frontage may be permitted when no wall identification sign is proposed for said frontage. No more than two (2) monument signs per parcel of record shall be permitted.
    - b. Dimensions. The sign on the primary frontage shall not exceed one (1) square foot of sign area for each lineal foot of building frontage, or forty (40) square feet, whichever is less. The sign on the secondary frontage shall not exceed one-half (1/2) square feet of sign area for each lineal foot of building frontage, or thirty (30) square feet, whichever is less. The sign shall not exceed five (5) feet in height. When located in the required setback area, the sign shall not exceed three and one-half (3-1/2) feet in height. The maximum of any one (1) dimension of the sign face shall be ten (10) feet.



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- c. Location. The sign shall be set back a minimum of ten (10) feet from any property line.
- 2. Wall signs. A wall sign is permitted subject to the following standards:
  - a. Number. One wall identification sign may be permitted per each primary and secondary frontage when no monument sign is proposed for said frontage.
  - b. Dimensions. The sign on the primary frontage shall not exceed one (1) square foot of sign area for each lineal foot of building frontage or seventy-five (75) square feet, whichever is less. The sign on the secondary frontage shall not exceed one-half (1/2) square feet of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less.
  - c. Placement. The sign shall not be located above the eave of the roof line, or the parapet of the roof.
- B. Individual tenant signs. Each tenant is permitted the following:
  - 1. Wall signs. One (1) wall sign not exceeding one (1) square foot of sign area for each lineal foot of building frontage rented or occupied, or fifty (50) square feet in area, whichever is less, may be permitted. Information on the sign shall be limited to the name, logo and type of business.
  - 2. Canopy signs. One (1) canopy sign not exceeding five (5) square feet of sign area and one and one-half feet (1½') in height may be permitted. Each canopy sign shall have a minimum of eight feet (8') vertical clearance from ground level to the bottom of the sign. Information on the sign shall be limited to the name, logo and type of business. All canopy signs shall be of a uniform design, size and height throughout the project area.

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#### **Section 88.10 Commercial Uses**

##### **A. Commercial centers, general**

1. Classification. For purposes of this section, commercial shopping centers shall be distinguished as follows:
  - a. Small shopping centers shall mean neighborhood shopping centers having up to ten (10) gross acres in area.
  - b. Medium shopping centers shall mean neighborhood shopping centers having ten (10) to fifteen (15) gross acres and Community Shopping Centers having fifteen (15) to fifty (50) gross acres in area.
  - c. Regional shopping centers are centers greater than fifty (50) gross acres in area located within a Regional Commercial land use designation as identified in the General Plan.
2. Reclassification. The Director of Planning or the Planning Commission may grant a request not to exceed 10% of the gross area in order to reclassify a shopping center designation through the minor modification process.
3. Sign program. All commercial shopping centers shall establish a sign program as part of the Site Plan Review or Conditional Use Permit approval process.
4. Cabinet wall signs. The installation of new cabinet wall signs shall be prohibited, unless otherwise approved by the Director of Planning. This prohibition shall not affect existing cabinet wall signs which were previously approved.

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5. Temporary Commercial Banners. Temporary banners may be permitted subject to guidelines set forth in a resolution adopted by the City Council. *(Zoning Ordinance Amendment 95-5 adopted by City Council December 13, 1995.)*

- B. Small shopping centers (up to ten (10) gross acres). Small shopping centers shall be permitted the following:

1. Monument signs

- a. Minimum lot frontage. Monument signs may be permitted only for shopping centers that have a minimum primary or secondary frontage of two hundred fifty (250) lineal feet.
- b. Minimum distance. There shall be a minimum distance of two hundred fifty (250) lineal feet between monument signs. The distance requirement may be modified through an approval of a sign program.
- c. Dimensions. The sign shall not exceed fifty (50) square feet in sign area and five feet (5') in height, including the base.
- d. Location. The monument sign shall be located a minimum of ten feet (10') from any property line. The monument sign shall be located a minimum of one hundred feet (100') or one-half (½) the lot width, whichever is less, from residentially designated or zoned properties.
- e. Information. The monument sign may indicate the name of the center and/or any businesses located within the center.

2. Individual tenant signs. Each individual tenant may be permitted the following:

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- a. Wall signs. One wall sign on the primary frontage, not to exceed one and one-half (1½) square feet of sign area for each lineal foot of building frontage or seventy-five (75) square feet, whichever is less. One wall sign for any other side of the building that does not face residentially designated property, not to exceed one-half (1/2) square feet of sign area for each lineal foot of building frontage, or fifty (50) square feet, whichever is less. The information on the sign shall be limited to the name, logo and type of business. (*Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.*)
  - b. Canopy Signs. One (1) canopy sign, not exceeding five (5) square feet of sign area and one and one-half (1½') feet in height may be permitted. Each canopy sign shall have a minimum of eight feet (8') vertical clearance from ground level to the bottom of the sign. The information on the sign shall be limited to the name, logo and type of business. All canopy signs within the center shall be of a uniform design, size and height.
- C. Medium (ten (10) to fifteen (15) acres) and community shopping centers (fifteen (15) to fifty (50) gross acres). Medium and community shopping centers are permitted the following:
- 1. Monument signs:
    - a. Minimum lot frontage. Monument signs shall be permitted only for the primary and/or secondary frontages that have minimum two hundred and fifty (250) lineal feet.
    - b. Minimum distance. There shall be a minimum distance of two hundred fifty (250) lineal feet between monument signs. The distance requirement may be modified through an approval of a sign program.



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- c. Dimensions. One monument sign per frontage may have a maximum area of one hundred (100) square feet, and a maximum height of ten (10) feet, including the base. All other monument signs may have a maximum area of fifty (50) square feet per sign and a maximum height of five (5) feet, including the base.
  - d. Location. Monument signs shall be located a minimum of ten feet (10') from any property line. Monument signs shall be located a minimum of one hundred feet (100') or one-half ( $\frac{1}{2}$ ) of the lot width, whichever is less, from residentially designated or zoned properties.
  - e. Information. Monument signs may indicate the name of the center and/or the names of any businesses located within the center.
2. Individual tenant signs. Each tenant within the shopping center may be permitted the following:
- a. Wall signs. One (1) wall sign may be permitted on the primary frontage, not exceeding one and one-half ( $1\frac{1}{2}$ ) square foot of sign area for each lineal foot of building frontage. Such sign shall not exceed one hundred and fifty (150) square feet for major tenants occupying a floor area greater than twenty-five thousand (25,000) gross square feet, and one hundred (100) square feet for all other tenants. One (1) wall sign may be permitted for any other side of the building that does not face residentially designated property, not exceeding one-half ( $\frac{1}{2}$ ) square feet of sign area for each lineal foot of building frontage or fifty (50) square feet total, whichever is less. The information on the sign shall be limited to the name, logo, and type of business.
  - b. Canopy signs. One (1) canopy sign not exceeding five (5) square feet of sign area and one and one-half ( $1\frac{1}{2}$ ) feet in height may be permitted. Each canopy sign shall have a minimum of eight feet

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(8') vertical clearance from ground level to the bottom of the sign. The information on the sign shall be limited to the name, logo and type of business. All canopy signs within the center shall be of a uniform design, size and height.

#### D. Regional shopping center

Regional shopping centers are centers greater than fifty (50) gross acres located within a Regional Commercial land use designation as identified in the General Plan. Signs in a regional shopping center shall be subject to a sign program approved by the Planning Commission as part of a Conditional Use Permit application.

#### E. Business parks in commercial zones

Business Park, for the purpose of this Section, shall be defined as a project having ninety (90) percent of the area devoted to office uses and having multi-buildings. The following signs are permitted within Business Parks:

1. Monument signs. Monument identification sign indicating the name of the park may be permitted as follows:
  - a. Number. One (1) monument sign may be permitted on the primary and secondary frontages.
  - b. Dimensions. The sign shall not exceed fifty (50) square feet in area, and five (5) feet in height including the base.
  - c. Location. The sign shall maintain a minimum ten (10) foot setback from any property line.

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2. Individual tenant signs. Each tenant is permitted the following:
  - a. Wall signs. One (1) wall sign may be permitted on the primary frontage, not exceeding one (1) square foot of sign area for each lineal foot of building frontage rented or occupied or fifty (50) square feet, whichever is less. One (1) wall sign may be permitted for any other side of the building that does not face residentially designated property, not exceeding one-half (1/2) square feet of sign area for each lineal foot of building frontage or fifty (50) square feet total, whichever is less.
  - b. Canopy signs. One (1) canopy sign not exceeding five (5) square feet of sign area and one and one-half (1½) feet in height may be permitted. Each canopy sign shall have a minimum of eight feet (8') vertical clearance from ground level to the bottom of the sign.
- F. Free standing commercial businesses (one primary tenant). Free standing commercial businesses with one primary tenant, except gasoline service stations, may be permitted one (1) monument or wall identification sign indicating the name and/or street address of the business subject to the following requirements:
  1. Monument sign. The monument identification sign shall not exceed thirty (30) square feet in sign area, and five (5) feet in height, including the base. The sign shall be located a minimum of ten (10) feet from any property line.
  2. Wall sign. Wall identification signs may be permitted as follows:
    - a. Number. One (1) wall sign may be permitted for the primary frontage and for any other side of the building that does not face residentially designated property.

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- b. Dimensions. The sign located on the primary frontage shall not exceed one and one-half (1-1/2) square feet of sign area for each lineal foot of building frontage or seventy-five (75) square feet, whichever is less. Signs located on any other side of the building shall not exceed one-half (1/2) square foot of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less.
  - c. Placement. The sign shall not extend above the eave of the roof line or the parapet of the roof.
- G. Free standing commercial businesses with multiple tenants. Each multi-story commercial building or commercial building with multiple tenants that is free standing and not located in a commercial center, may be permitted the following:
  - 1. Monument sign
    - a. Number. One (1) monument identification sign may be permitted per each parcel of record.
    - b. Dimensions. The sign shall not exceed thirty (30) square feet in area and five (5) feet in height, including the base. The maximum of any one dimension of the sign shall be ten (10) feet.
    - c. Location. Monument sign shall maintain a minimum ten (10) foot setback from any property line.
  - 2. Individual tenant wall signs. Each tenant may be permitted the following wall signs:
    - a. Number. One (1) wall sign may be permitted for the primary frontage and for any other side of the building that does not face residentially designated property.



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- b. Dimensions. The sign located on the primary frontage shall not exceed one and one-half ( $1\frac{1}{2}$ ) square foot of sign area for each lineal foot of building frontage or seventy-five (75) square feet, whichever is less. The sign located on any other side of the building shall not exceed one-half ( $1/2$ ) square foot of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less.
    - c. Placement. The sign shall not extend above the eave of the roof line or the parapet of the roof.
  - 3. Directory signs. A directory sign may be permitted for multi-story buildings having more than one tenant as follows:
    - a. Number. One directory sign may be permitted per building.
    - b. Dimensions. The directory sign shall not exceed thirty (30) square feet in area and five (5) feet in height, including the base.
    - c. Placement. The directory sign shall be mounted on the building.
- H. Fast food restaurants - menu boards. In addition to other sign entitlements of this section, fast food restaurants with drive-through or walk-up facilities may be permitted menu board signs subject to the following standards:
  - 1. Number. Maximum of two (2) menu boards may be permitted per fast food restaurant.
  - 2. Dimensions. Menu boards shall not exceed twenty-five (25) square feet in area each and five (5) feet in height, including the base. For determining this maximum area, any pictures or photographs of food products on the perimeter of the board shall be included within the computation of the maximum area for such board.

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- I. Automated or manual service facilities. Signs for drive-up or walk-up service windows or machines, whether freestanding or incorporated into a building, require special consideration for which, because of their unlimited variety and character, a uniform sign entitlement cannot be established. Therefore, the sign allowance for such facilities shall be determined when the sign permit application is being reviewed on the basis of their function and use. In no event shall such signs exceed five (5) square feet in area. Such signs shall not be allowed as a method for increasing the basic sign entitlement for the principal use or to function as off-site advertising of the principal use. Examples of such facilities are drive-up or walk-up windows for banks, restaurants, liquor and grocery stores, and film processors.
- J. Gasoline service station. Gasoline Service Stations may be permitted the following signs:
  - 1. Monument sign. Monument sign indicating the name of the service station may be permitted as follows:
    - a. Number. One (1) monument sign may be permitted for each gasoline service station.
    - b. Dimensions. The sign shall not exceed thirty (30) square feet and five (5) feet in height, including the base. Maximum of any one dimension of the sign shall be ten (10) feet.
    - c. Location. The sign shall be located a minimum of ten (10) feet from any property line.
  - 2. Wall sign
    - a. Number. One (1) wall sign may be permitted for the primary frontage and for any other side of the building that does not face residentially designated property.

- b. Dimensions. The sign located on the primary frontage shall not exceed one and one-half (1½) square foot of sign area for each lineal foot of building frontage or seventy-five (75) square feet, whichever is less. The sign located on any other frontage shall not exceed one-half (1/2) square feet of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less.
  - c. Placement. The sign shall not extend above the eave of the roof line, the parapet of the roof.
3. Price sign
- a. Number. One (1) gasoline or fuel price sign per street frontage may be permitted.
  - b. Dimensions. Each sign shall not exceed fifteen (15) square feet in area and five (5) feet in height.
  - c. Placement. The sign shall be placed on the ground.
  - d. Information. The sign shall display the information required by Sections 13530-13540 of the Business and Professions Code and Section 4201 of Title 4 of the California Administrative Code in the manner required by those sections, as amended.

### **Section 88.11 Industrial Uses**

#### **A. Industrial parks, general**

- 1. Classification. For purposes of this section, industrial parks shall be distinguished as follows:

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- a. Small industrial parks shall include industrial parks having less than twenty (20) gross acres in area.
    - b. Medium industrial parks shall include industrial parks having at least twenty (20) gross acres but less than eighty (80) gross acres in area.
    - c. Large industrial parks shall include industrial parks having eighty (80) gross acres or more in area.
  2. Reclassification. The Director of Planning or the Planning Commission may grant a request not to exceed 10% of the gross area in order to reclassify an industrial park designation through the minor modification process.
  3. Sign program required. A sign program shall be established for each industrial park as part of the Site Plan Review or Conditional Use Permit approval process.
  4. Cabinet signs. The installation of cabinet wall signs shall be prohibited at all new industrial parks approved subsequent to the date of adoption of this ordinance. This prohibition shall not affect existing cabinet wall signs which were previously approved.
- B. Small industrial parks (up to twenty (20) gross acres). The following signs shall be permitted for small industrial parks:
1. Monument signs. Monument signs indicating the name of the park and major tenants may be permitted as follows:
    - a. Number. One (1) monument sign may be permitted for each primary and secondary frontage, not to exceed two (2) signs per park.



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- b. Dimensions. Monument sign shall not exceed fifty (50) square feet in area, and five (5) feet in height, including the base.
  - c. Location. The sign shall be located a minimum of ten (10) feet from any property line. The sign shall be located a minimum of one hundred (100) feet, or no closer than one-half ( $\frac{1}{2}$ ) of the lot width, whichever is less, from residentially designated or zoned properties.
- 2. Individual tenant signs. Each tenant may be permitted the following:
  - a. All tenants. One (1) wall sign not exceeding one (1) square foot of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less, except as otherwise allowed in subsection (b) below.
  - b. Major tenants. Major tenants occupying a floor area greater than thirty thousand (30,000) square feet are permitted to have one wall sign not exceeding one hundred (100) square feet of sign area per frontage.
- C. Medium industrial parks (twenty (20) to eighty (80) gross acres). Medium industrial parks shall be permitted the following signs:
  - 1. Monument signs. Monument sign indicating the name of the park and/or major tenants may be permitted as follows:
    - a. Number. One (1) monument identification sign for each primary and secondary frontage may be permitted. Industrial parks having a distance of more than five hundred (500) lineal feet on a primary and secondary frontage may be permitted to erect additional monument signs per street frontage.

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- b. Distance. There shall be a minimum distance of five hundred (500) lineal feet between monument signs. The Director of Planning may waive this requirement through an approval of a sign program.
- c. Dimensions. Each monument identification sign shall not exceed seventy five (75) square feet of sign area and six (6) feet in height, including the base.
- d. Location. The sign shall be located a minimum of ten (10) feet from any property line. The sign shall be located a minimum of one hundred (100) feet, or no closer than one-half ( $\frac{1}{2}$ ) the lot width, whichever is less, from residentially designated or zoned properties.

2. Individual tenant signs. Each tenant shall be permitted the following:

- a. All tenants. One (1) wall sign not exceeding one (1) square foot of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less, except as otherwise allowed in subsection (b) below.
- b. Major tenants. Major tenants occupying a floor area greater than thirty thousand (30,000) square feet are permitted to have one wall sign not exceeding one hundred (100) square feet of sign area per frontage.

D. Large industrial parks (eighty (80) gross acres and larger). Large industrial parks shall be permitted the following signs:

- 1. Monument sign. A monument identification sign, indicating the name of the park and/or major tenants, is permitted subject to the following:
  - a. Number. One (1) monument identification sign for each primary and secondary frontage may be permitted. Industrial parks having a distance of more than seven hundred and fifty (750) lineal feet on

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a primary and/or secondary frontage may be permitted to erect additional monument signs per said street frontage.

- b. Distance. There shall be a minimum of seven hundred and fifty (750) lineal feet between monument signs. The Director of Planning may waive the distance requirement through an approval of a sign program.
- c. Dimensions. The sign shall not exceed one hundred twenty (120) square feet in sign area and seven (7) feet in height, including the base.
- d. Location. The sign shall be located a minimum of ten (10) feet from any property line. The sign shall be located a minimum of one hundred (100) feet, or no closer than one-half ( $\frac{1}{2}$ ) the lot width, whichever is less, from residentially designated or zoned properties.

2. Individual tenant signs. Each tenant shall be permitted the following:

- a. All tenants. One (1) wall sign not exceeding one (1) square foot of sign area for each lineal foot of building frontage or fifty (50) square feet, whichever is less, except as otherwise allowed in subsection (b) below.
- b. Major tenants. Major tenants occupying a floor area greater than thirty thousand (30,000) square feet are permitted to have one wall sign not exceeding one hundred (100) square feet of sign area per frontage.

E. Free standing industrial businesses (one primary tenant). Each free standing industrial business that is not located in an industrial park and has one primary tenant shall be permitted one (1) monument or wall identification sign indicating the name and/or street address of the business subject to the following requirements:

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1. Monument sign. The monument identification sign shall not exceed thirty (30) square feet in sign area, and five (5) feet in height, including the base. The sign shall be located a minimum of ten (10) feet from any property line.
  2. Wall sign. Wall identification sign shall not exceed one (1) square foot of sign area for each lineal foot of primary or secondary building frontage or one hundred (100) square feet in area, whichever is less. The maximum height of the wall sign shall not exceed the height of the eave of the roof line or the parapet of the roof.
- F. Free standing industrial businesses with multiple tenants. Each multi-story industrial building or industrial building with multiple tenants that is free standing and not located in an industrial park may be permitted the following:
1. Monument sign. One monument identification sign not exceeding thirty (30) square feet in sign area, and five (5) feet in height, including the base. The sign shall be located a minimum of ten (10) feet from any property line.
  2. Individual tenant signs. Each tenant located in a multi-story building or industrial building with multiple tenants is permitted to have a wall sign not exceeding one (1) square foot of sign area for each lineal foot of building frontage or one hundred (100) square feet, whichever is less.
  3. Directory sign. Individual industrial businesses located in a multi-story building or industrial building with multiple tenants, may advertise in a directory sign. The directory sign shall not exceed thirty (30) square feet in area, or five (5) feet in height, and shall be mounted on the building.



**Section 88.12 Agricultural Uses and Non-Commercial Uses**

Agricultural and non-commercial uses may be permitted one (1) non-illuminated wall or monument identification sign per street frontage indicating the name and/or street address and/or service provided. The monument sign may not exceed twenty-five (25) square feet in area and five (5) feet in height, including the base. The wall sign may not exceed twenty-five (25) square feet and may not extend above the roofline.

**Section 88.13 Temporary Signs**

- A. Construction announcement signs. Sign advertising the various construction trades for the duration of the construction project may be permitted as follows:
1. Number. One (1) construction announcement sign may be permitted per street frontage.
  2. Dimensions. The sign shall not exceed thirty-two (32) square feet in sign area and eight (8) feet in height, including the base. The Planning Commission or the Planning Director may approve up to a twenty-five percent (25%) increase over the allowable sign area for projects exceeding a gross area of twenty (20) acres.
  3. Location. The sign shall be located a minimum of twenty (20) feet from the right-of-way.
  4. Information. The construction sign shall be limited to the company name, address, phone number, contact person and logo.
  5. Illumination. The sign shall not be illuminated.
  6. Time limitation. The sign is permitted on construction sites during the period that valid permit approval exists and shall be removed before a notice of completion is issued for the building being constructed.

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- B. On-premise subdivision signs. Signs advertising land subdivisions may be permitted as follows:
1. Number. One (1) double-faced sign placed at the right angle to the street, or two single faced signs facing the street may be permitted for a subdivision.
  2. Dimensions. Total permitted sign area shall not exceed one hundred twenty (120) square feet, and sign area of each sign face shall not exceed sixty (60) square feet. Maximum sign height shall be ten (10) feet.
  3. Location. Signs shall be located within the subdivision that is advertised, and shall be at least two hundred (200) feet apart.
  4. Illumination. Signs shall not be illuminated.
  5. Time limitation. Signs shall be erected only after the Planning Commission approval of the Tentative Tract/Parcel Map, and shall not change to advertise another subdivision without prior approval of a sign permit. Signs shall be removed when all lots within the subdivision are initially sold.
- C. Sale, lease, and rental signs. Commercial and industrial properties, and any other undeveloped parcels of more than one (1) acre, may have sale, lease or rental signs as follows:
1. Number. One sign may be permitted per each primary and secondary frontage. The maximum number of signs shall be two (2).
  2. Dimensions. Each sign shall not exceed thirty-two (32) square feet in area, and eight (8) feet in height, including the base.
  3. Location. The sign shall be located minimum twenty (20) feet from any property line.

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4. Design. The sign shall be designed in a manner satisfactory to the Director of Planning.
  5. Time limitation. Signs shall be removed within seven (7) days after the property is sold or rented or the offer for sale or rent is terminated. The property shall be deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sales contract, whichever occurs first.
- D. Grand opening and special events signs. During grand opening events, temporary signs, may be permitted as follows:
1. Sign area. Signs not exceeding thirty-two (32) square feet in area may be approved by the Director of Planning. Such signs may consist of one (1) banner mounted flat on the exterior wall of the building within which the subject business is located.
  2. Time limitation. Signs shall not be displayed more than thirty (30) days from the issuance of the sign permit. The maximum number of signs per each calendar year shall be two (2).

**Section 88.14 Off-Premise Outdoor Advertising Sign Structures (Billboards)**

- A. Permits and review process.
1. Permits required. No off-premise outdoor advertising sign structure shall be constructed, relocated or upgraded at any location in the City of Palmdale without obtaining a sign permit or a Conditional Use permit subject to the provisions of this Section, and any other permits required by law.

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2. Review process

- a. Conditional use permit. A conditional use permit shall be required, pursuant to the provisions of this Article and Article 22 of the Palmdale Zoning Ordinance for any construction, upgrade, or relocation of off-premise outdoor advertising sign structures located on properties within six hundred sixty (660) feet of a freeway right-of-way or along Palmdale Boulevard; and for upgrade or replacement of a legally existing off-premise outdoor advertising sign structure located within six hundred and sixty (660) feet of Palmdale Boulevard.
- b. Sign permit. Applications for all other permitted off-premise outdoor advertising sign structures shall be subject to approval of a sign permit by the Director of Planning. The Director shall approve the application if the Director finds that such application satisfies the requirements set forth in Subsection 3 below and all other provisions of this Article.
- c. Other permits. Nothing in this Article shall exempt the applicant from obtaining any other required approval including, but not limited to, any permits required by the State of California.

3. Findings for approval. No sign permit or Conditional Use Permit for an off-premise advertising sign structure shall be issued unless the Director of Planning or the Planning Commission, whichever is applicable, finds that the application satisfies, or with conditions can satisfy, all of the following requirements:

- a. The proposed off premise advertising sign structure conforms with the general plan.
- b. Based upon consideration of the nature, condition and development of adjacent uses, buildings and structures, the



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proposed sign structure will not adversely affect or be materially detrimental to the adjacent uses, buildings and structures.

c. The site for the proposed sign structure is adequate in size and shape to accommodate the landscaping and other zoning ordinance requirements necessary to integrate the use with the neighborhood.

d. The sign structure conforms to all requirements of this Article.

4. Appeals. If the applicant or other interested party is aggrieved by any determination of the Planning Director with respect to a sign permit approval, modification or denial, he or she may file an appeal with the Planning Commission within ten (10) days of receipt of the written notice. The Planning Department shall cause the matter to be set for hearing before the Planning Commission within forty (40) days of the filing of such appeal. The Planning Commission shall hear and decide the case de novo at the time and place set for such hearing. The applicant or other interested party shall be provided with a written notice of the time and place of such hearing at least five (5) days prior thereto. Any decision of the Planning Commission pursuant to this Article may be appealed by the applicant to the City Council in accordance with Section 20.11.

B. Prohibited locations. The following restrictions shall apply to location of any off-premise outdoor advertising sign structure:

1. No off-site advertising sign structure shall be located within the area bounded by 20th Street West to the west, Avenue N to the north, Sierra Highway to the east and Palmdale Boulevard to the south.
2. There shall be no more than four Off-Premise Outdoor Advertising Signs Structures, including existing off-premise outdoor advertising sign structures, located within the area bounded by the extension of Avenue N-12 to the north, Avenue P to the south, 100' imaginary line of the westerly

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Sierra Highway right-of-way to the west and 100' imaginary line of the easterly Southern Pacific property line to the east.

3. No additional off-premise outdoor advertising sign structures shall be constructed, relocated or upgraded except when located in C-5, M-1, or M-2 zones.
  4. No additional off-premise outdoor advertising sign structures shall be constructed on properties within six hundred sixty (660) feet of Palmdale Boulevard.
  5. The off-premise outdoor advertising sign structure shall be no closer than a radius of five hundred feet (500') to any premises designated or zoned for residential purposes, or to any premises containing a school, church, or similar place of worship, historical site or building, cemetery or similar place of interment, public or private park or outdoor recreational facility.
  6. The off-premise outdoor advertising sign structure shall be no closer than a radius of seven hundred fifty (750) feet to a previously constructed off-premise outdoor advertising sign structure.
  7. The placement of off-site advertising sign structure shall be limited to improved properties with habitable structures.
- C. Development standards. All off-premise outdoor advertising sign structures shall comply with the following requirements:
1. Sign Area. The total area of a single sign face shall not exceed three hundred (300) square feet. The total area of a double faced sign shall not exceed six hundred (600) square feet. Not more than five percent (5%) of the area of a sign face shall be used for projections or cut-outs.
  2. Height. The off-premise outdoor advertising sign structure shall not exceed thirty-two (32) feet in height measured from the ground level.

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3. Location. The sign shall comply with all setback and yard requirements of the underlying land use zone. It shall be located no closer than ten (10) feet to any property line. No materials or structural feature, except poles or pilasters, shall extend into the cross-visibility area between ground level and seven (7) feet above the grade of the nearest street curb. No portion of the sign shall block the view of any on-site advertising sign on the same or adjoining parcels.
4. Construction. The off-premise outdoor advertising sign structure shall be built to withstand a minimum wind pressure of twenty-one (21) pounds per square foot of exposed surface.
5. Design. The off-premise outdoor advertising sign structure shall not be supported by more than one (1) supporting post. It shall be architecturally treated so as to screen the frame, support structures and lighting from public view. The off-premise outdoor advertising sign structure shall not contain any flashing or blinking material, or mechanically activated or animated devices. The color and materials shall be subject to the provisions of this Article.
6. Sign copy. The message copy area of any relocated or upgraded off-premise outdoor advertising sign structure may be no larger than the message copy area of the original off-premise outdoor advertising sign structure.
7. Utility lines. Utility lines providing electrical power to a new or relocated sign shall be underground.
8. Maintenance. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to Section 88.07.D of this Article.

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9. Traffic safety. The sign shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.
10. Permit displayed. The off-premise outdoor advertising sign structure shall bear an identification decal which clearly indicates the maker, the permit number and the date of installation posted.

#### **Section 88.15 Amortization and Abatement of Signs and Off-Premise Outdoor Advertising Sign Structures**

##### **A. On-premise signs**

1. Inventory of signs. Within six (6) months of the date of adoption of this Ordinance the Director of Planning shall cause to be performed an inventory of all on-premise signs within the City to identify those which are illegal or abandoned. For the purposes of this subparagraph, the term "illegal" denotes a sign which was erected without compliance with all ordinances and regulations in effect at the time of its construction and erection or use, and the term "abandoned" denotes a sign which remains in place or is not maintained for a period of ninety (90) days which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the sign is located.
2. Report. When the inventory required by subparagraph 1 of this paragraph has been completed, the Director of Planning shall report the actual cost of conducting that inventory to the City Council so the Council may by resolution provide for the recoupment of that cost in the manner authorized by Section 5491.2 of the Business and Professions Code.
3. Abatement. No later than sixty (60) days after six (6) months after the date of adoption of this Ordinance, the City shall commence abatement as



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provided in this paragraph of the illegal and abandoned on-premises signs identified by the inventory required by subparagraph 1.

4. Nonconforming signs which may be abated without payment of compensation. Any sign which does not comply with the requirements of this Article and which may be abated without the payment of compensation pursuant to Section 5497 or Section 5498 of the Business and Professions Code shall be brought into compliance with the requirements of this Article as soon as may reasonably be accomplished and in no event later than six (6) months after the date of adoption of this Ordinance, unless such period is extended by the Planning Commission for good cause shown. Any sign which is not brought into conformance with the requirements of this Article within that time shall be subject to abatement as a public nuisance.
5. Other nonconforming signs. Any sign which does not conform to the requirements of this Article and which may be abated after the expiration of fifteen (15) years pursuant to Section 5495 of the Business and Professions Code shall be brought into compliance with the requirements of this Article within fifteen (15) years of the date of adoption of this Article. Any sign which is not brought into conformance with the requirements of this Article within that time shall be subject to abatement as a public nuisance.
6. Signs with flashing and rotating features. Any sign which contains flashing or rotating features and which is not in compliance with the provisions of this Article shall be brought into compliance with the provisions of this Article as soon as may reasonably be accomplished and in no event later than six (6) months after the date of adoption of this Ordinance unless such period is extended by the Planning Commission for good cause shown. If such sign is not brought into conformance with the requirements of this Article within that time, the flashing or rotating features of the sign shall be deactivated immediately. However, the owner or operator of such sign may be authorized to continue its

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operation notwithstanding this subparagraph if the Planning Commission determines the sign to be of historical significance.

- B. Existing off-premise outdoor advertising sign structures. Any off-premise outdoor advertising sign structure which lawfully existed in an agricultural or residential zone at the time of the adoption of this Article or was lawfully constructed pursuant to a permit issued by Los Angeles County and was later annexed to the City of Palmdale, but which is not in conformance with the requirements of this Article, and is located within residential or agriculturally zoned property, shall be deemed legal non-conforming use which must be maintained, and may be upgraded subject to the restrictions and limitations imposed on non-conforming signs by this Article. Such signs shall be removed in accordance with the following amortization schedule.

Fair Market Value of Off-Premise Commercial Advertising Signs*	Years Allowed Before Removal
Under \$1,999	2
\$2,000 to \$3,999	3
\$4,000 to \$5,999	4
\$6,000 to \$7,999	5
\$8,000 to \$9,999	6
\$10,000 and over	7

\*Fair Market Value of off-premise commercial advertising signs on the date of removal requirement.

#### **Section 88.16 Variance Proceedings**

The Planning Commission may approve variances to the regulations relating to the size, height, number and location of new or existing signs where an applicant is faced

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with exceptional circumstances related to the type or location of its business, or is trying to achieve a special design effect, pursuant to the requirements of this Section.

- A. Application. The applicant shall submit an application for a variance in accordance with provisions of Article 23 of the Zoning Ordinance, and shall have the burden of proving that the requested variance is in conformance with the regional findings.
- B. Review process. The Planning Commission may approve a request for a variance after a public hearing in accordance with the criteria set forth in Article 23.
- C. Findings for approval. Prior to approval of a variance for a sign, the Planning Commission shall make the following findings:
  - 1. The variance is necessary due to exceptional circumstances related to the type or location of the business, or in order to achieve a special design effect;
  - 2. The size or height entitlement of the sign shall not be increased by more than thirty (30%) percent;
  - 3. The sign is or will be integrated into the architecture of the building;
  - 4. The sign is or will not be detrimental to surrounding uses or properties or the community in general;
  - 5. The approval of such modification is consistent with the purposes of the General Plan and this Ordinance and the sign standards set forth in this Article; and

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### **Section 88.17 Administration**

- A. Duty to enforce: The Director of Planning shall have the duty to enforce the provisions of this Ordinance.
- B. Ambiguity. Whenever ambiguity arises as to the interpretation of the provisions of this Ordinance, the applicant for a sign permit may request that the Planning Commission make a determination as to the meaning and application of the ambiguous provisions.
- C. Discontinuance of a business. Within ninety (90) days after the discontinuance of a business in any commercial or industrial zone or before a new business occupies the premises, whichever comes first, all nonconforming signs and support structures shall be removed.
- D. Removal of illegal signs on public property. The Director of Planning shall remove or cause to be removed any sign unlawfully placed or located on public property. The Director shall send notification in writing to the owner of such sign, if such owner is known, stating the location where his or her sign is being held and that it will be destroyed if not claimed by the owner within ten (10) days after the date of such notice. In the event that the owner does not claim such sign within the ten (10) day period, the Director may destroy or otherwise dispose of such sign. The owner of the sign shall reimburse the City for the actual costs of removing, storing and destroying or otherwise disposing of the sign.
- E. Abatement of danger. When the Director of Planning determines a sign constitutes an imminent danger to the public safety, the Director of Planning may take appropriate action to abate the danger. Any sign removed to abate such a threat to the public safety shall become the property of the City and may be disposed of in any appropriate manner. The cost of such emergency abatement shall be charged against the owner of the sign and may be recovered by the City by an appropriate legal action or by assessment against the property, provided that the person assessed shall be granted a hearing before the Planning Commission to contest the amount or propriety of the charge if such person



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requests a hearing within thirty (30) days of notice from the City. For the purposes of this paragraph, a sign shall be rebuttably presumed to be the property of the person who owns the premises upon which the sign is located.

- F. Entitlements strictly construed. Because the regulations provided by this Article are established to protect and promote the public health, safety, and general welfare, any sign entitlement authorized hereunder shall be strictly construed to further the purposes of this Article.









CHAPTER 9  
SPECIAL REGULATIONS

ARTICLE 90 GENERAL PROVISIONS

Section 90.01 Purpose

The purpose of this Article is to protect the health, safety, and general welfare of the community by establishing specific standards, design criteria, and review procedures for certain uses which have unique structural, development, and/or operational characteristics and have potential for adverse visual, health, safety, and other impacts on the surrounding properties and/or the community.

Section 90.02 Applicability

All uses that are addressed by this Chapter and are permitted or conditionally permitted by the Zoning Ordinance shall be subject to all applicable requirements of this Chapter, in addition to any other applicable provisions of the Zoning Ordinance.

The requirements of this chapter shall be in addition to any requirements which the reviewing authority may deem necessary for the protection of the public health, safety and general welfare, and to meet the goals, objectives and policies contained in the General Plan.



**ARTICLE 91 RESIDENTIAL USES**

**Section 91.01 Guest House as an Accessory Use**

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for guest houses. The intent is to preserve the integrity of the existing residential areas by preventing negative health, safety, aesthetic, and traffic impacts, while allowing residents the opportunity to establish guest homes on properties that can accommodate this use.

B. Development standards

Where permitted by the zone, a guest house shall be permitted subject to the following standards:

1. Limited use. A guest house shall be used only by the occupants of the principal dwelling, their nonpaying guests or domestic employees. The guest house shall not be rented and a deed restriction specifying this requirement shall be recorded by the property owner prior to occupancy of the structure.
2. Property requirements. A guest house may be permitted only on properties in A-1 and R-1 zones which contain an existing owner-occupied single family detached dwelling unit. Only one guest house may be permitted per lot of record.
3. Minimum lot size. Guest houses may only be constructed on legal parcels which are 20,000 square feet in size or larger.

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4. Location. Guest houses shall be located in the rear yard area and shall not extend into the required front or side yards.
5. Yards. Guest houses shall conform to all setback standards of the Zoning Ordinance.
6. Lot coverage. The maximum lot coverage provisions of the zone shall apply.
7. Floor area. The floor area of a guest house shall not exceed 500 square feet. The minimum permitted size of a guest house shall conform to the requirements of the Uniform Building Code and Uniform Housing Code. The minimum unit size for residential zones shall not apply to the guest house.
8. Living facilities. There shall be no kitchen, cooking or wet bar facilities within a guest house.
9. Construction standards. All construction shall meet the Minimum Construction Standards For Single Family Residences as contained in Section 41.09.G.
10. Design and materials. Guest house shall be designed and constructed with materials that are comparable to and compatible with the primary residence and other residences in the vicinity.
11. Driveway access. The driveway serving the primary dwelling unit shall also serve the guest house.
12. Pedestrian access. Each guest house shall be provided with a separate outside entrance, not visible from the street, with adequate pedestrian access from a public street to the entrance.



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13. **Parking.** A minimum of one (1) parking space, in a permitted location, shall be provided on the same lot as the guest house, in addition to the required parking spaces serving the primary unit.
14. **Non-conforming properties.** Any conditions pertaining to parking, building code and property development standards of the zone that are non-conforming for the primary use shall be corrected, to the extent feasible, prior to the commencement of construction.

**C. Review process**

Guest houses shall be subject to administrative approval by the Planning Director pursuant to Section 26.03 (Zoning Clearance Review).

**Section 91.02 Temporary Dependent Housing as an Accessory Use**

**A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for temporary dependent housing. The intent is to allow for establishment of affordable housing for dependents, while preserving the integrity of the existing residential areas by preventing negative health, safety, aesthetic, and traffic impacts.

**B. Development standards**

Where permitted by the zone, a Temporary Dependent Housing (TDH) unit shall be allowed subject to the following standards:

1. **Limited use.** The TDH unit shall be for the sole occupancy of one (1) or two (2) adult persons who have reached the age of sixty-two (62) years, or are handicapped. A deed restriction, acceptable to the City Attorney, specifying the occupancy limitations for the dependent housing unit, shall

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be prepared by the property owner and recorded on the property prior to occupancy of the TDH unit. Within six (6) months from termination of such occupancy by dependents, the TDH unit shall be removed or converted to another use otherwise permitted by this ordinance. A temporary dependent housing unit shall not be rented, leased or sold separately from the principal dwelling unit.

2. **Property requirements.** A TDH may be permitted only where permitted by the Zoning Ordinance, on properties which contain an existing owner-occupied single family detached dwelling unit. Only one TDH shall be permitted per each lot of record.
3. **Minimum lot size.** A detached TDH may only be constructed on legal parcels which are 7,000 square feet in size or larger. An attached TDH may be located on a parcel that meets the minimum lot size requirements of the underlying zone, provided all other requirements are met.
4. **Location.** Detached TDH units shall be located in the rear yard area and shall not extend into the required front or side yards.
5. **Yards.** Detached TDH units shall be subject to the yard requirements for accessory structures. Attached TDH units shall be subject to the yard requirements for the main structure.
6. **Lot coverage.** The maximum lot coverage provisions of the zone shall apply.
7. **Floor area.** The floor area of a TDH shall not exceed eight hundred and fifty (850) square feet. Where such a unit is attached to the main structure, the livable floor area shall not exceed thirty (30) percent of the existing living area of the primary dwelling. The minimum permitted size of a TDH shall conform to the requirements of the Uniform Building Code and Uniform Housing Code. The minimum unit size for residential zones shall not apply to the TDH.

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8. Construction standards. All construction shall meet the minimum construction standards for single family residences as contained in Section 41.09.G.
9. Design and materials. TDH units shall be designed and constructed with the materials that are comparable to and compatible with the primary residence and other residences in the vicinity.
10. Driveway access. The driveway serving the primary dwelling unit shall also serve the TDH unit.
11. Living facilities. A TDH unit shall provide complete and independent living facilities, including separate cooking and sanitary facilities.
12. Utilities. There shall be no separate utility service to the TDH unit.
13. Pedestrian access. Each TDH unit shall be provided with a separate outside entrance, not visible from the street, with adequate pedestrian access from a public street to the entrance.
14. Parking. A minimum of one (1) parking space, in a permitted location, shall be provided on the same lot as the TDH unit, in addition to the required parking spaces serving the primary unit.
15. Non-conforming properties. Any conditions pertaining to parking, building code and property development standards of the zone that are non-conforming for the primary use shall be corrected, as a condition of approval of a TDH unit.

**C. Review process**

Temporary dependent housing shall be subject to administrative review and approval, pursuant to Section 26.05 (Temporary Dependent Housing).

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**Section 91.03 Second Dwelling Unit (SDU) Standards**

**A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for second dwelling units. The intent is to provide the opportunity for establishment of additional rental housing in the community, while preserving integrity of the existing residential areas and preventing negative health, safety, aesthetic, traffic, and other impacts.

**B. Development standards**

Where permitted by the zone, a second dwelling unit (SDU) shall be allowed subject to the following standards:

1. Use limitations. The SDU shall be used solely as a rental unit and shall not be sold. A deed restriction, acceptable to the City Attorney, specifying the use limitations for the SDU shall be prepared by the property owner and recorded on the property. The SDU shall not be sold separately from the principal dwelling unit.
2. Property requirements. A SDU may be permitted only on properties in A-1, R-1, R-2 and MX zones which contain an existing owner-occupied single family detached dwelling unit. Only one SDU may be permitted per lot of record.
3. Lot size. The lot upon which the SDU is to be created shall conform to the minimum area and dimension standards of the zoning district in which it is located.



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4. Location. Detached SDU's shall be located in the rear yard area and shall not extend into the required front or side yards.
5. Yards. The minimum yard setbacks for detached SDU shall be as required for accessory buildings. The minimum yard setbacks for attached SDU shall be as required for the main structure.
6. Lot coverage. The maximum lot coverage provisions of the zone shall apply.
7. Floor area. The SDU may be either an attached or detached unit. Maximum livable floor area of a detached unit shall not exceed eight hundred fifty (850) square feet. Maximum livable floor area of an attached unit shall not exceed five hundred (500) square feet or thirty (30) percent of the existing living area of the primary dwelling, whichever is greater. The minimum unit size for residential zones shall not apply to the SDU. The minimum permitted size of an SDU shall conform to the requirements of the Uniform Building Code and Uniform Housing Code.
8. Living facilities. The SDU shall provide complete and independent living facilities.
9. Utility service. There shall be no separate utility service to the SDU.
10. Construction standards. All construction shall meet the Minimum Construction Standards For Single Family Residences as contained in Section 41.09.G.
11. Design and materials. SDU units shall be designed and constructed with the materials that are comparable to and compatible with the primary residence and other residences in the vicinity. The lot shall retain a single-family appearance from the street, and shall not create a second

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entrance, or other street side modifications which would signal the presence of a second dwelling unit or otherwise alter the appearance of the property. However, the addresses of both units shall be displayed so that they are clearly seen from the street.

12. Driveway access. The driveway serving the primary dwelling unit shall also serve the SDU.
13. Pedestrian access. Each SDU shall be provided with a separate outside entrance, not visible from the street, with adequate pedestrian access from a public street to the entrance.
14. Parking. A minimum of one (1) parking space shall be provided in a permitted location on the same lot as the SDU, in addition to the required parking spaces serving the primary unit.
15. Non-conforming properties. Any conditions pertaining to parking, building code and property development standards of the zone that are non-conforming for the primary use shall be corrected, to the extent feasible, prior to the commencement of construction.

### **C. Review process**

A second Dwelling Unit shall be subject to Site Plan Review pursuant to Article 21, where permitted by the Zoning Ordinance.

### **Section 91.04 Senior Housing Requirements**

#### **A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for senior housing developments. The intent is to prevent the creation of any adverse

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impacts to the occupants of neighboring dwellings while ensuring that adequate services and facilities are available to serve the special housing needs of senior citizens.

**B. Development standards**

All senior group housing shall conform to the following standards, except that when existing multi-family residential uses are converted to senior housing, the reviewing authority may revise or waive any development standard determined to be infeasible, due to the project's design, size or physical development: *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

1. Property requirements. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying land use district.
2. Occupancy limitations. Residential occupancy shall be limited to single persons over 55 years of age or married couples of which one spouse is over 55 years of age. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
3. Density. The number of dwelling units for senior housing projects shall be based on the underlying General Plan designation. Congregate care facilities which do not include individual kitchen facilities shall not be subject to density provisions.

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4. Minimum floor area. The minimum floor area for each residential unit shall be as follows:

Studio:	410 square feet
One-bedroom:	510 square feet if kitchen-dining living areas are combined. 570 square feet if kitchen-dining living areas are separate.
Two-bedroom:	610 square feet if kitchen-dining living areas are combined. 670 square feet if kitchen-dining living areas are separate.

5. Common facilities. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:
- a. Central cooking and dining room(s).
  - b. Beauty and barber shop.
  - c. Small scale drug store not exceeding 1,000 square feet.
  - d. Small scale medical offices or clinics.
  - e. Community garden or greenhouse.
  - f. Workshop areas.



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6. Recreation and entertainment facilities. Common recreational and entertainment facilities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit. Open space areas shall be located with convenient access from the units they serve and shall be protected from sun and wind through placement, design and landscaping.
7. Laundry facilities. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code may be required. Such facilities shall have keyed access for tenants only. Each residential unit shall be plumbed and wired for a washing machine and dryer.
8. Parking. Off-street parking shall be provided in accordance with Article 87 (Off-Street Parking) and the following:
  - a. All required off-street parking shall be located maximum one-hundred and fifty (150) feet from at least one entrance to the residential building that it serves.
  - b. If a shuttle stop is located on the property, shaded waiting areas and adequate and suitably striped paved areas for shuttle parking shall be provided adjacent to the shuttle stops.
  - c. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on a project location and proximity to services for senior citizens including, but not limited to medical offices, shopping areas, mass transit, etc.
9. Bus turnouts and shelters. A bus turnout and shelter may be required as determined by the reviewing authority if the project is located on a designated arterial and adjacent to existing/future bus route(s).

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10. Driveways. Driveway approaches shall be delineated with interlocking pavers, rough-textured concrete, landscaped medians or similar features. Stamped concrete shall not be allowed to meet this requirement.
11. Handicapped access. The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access.
12. Security. The project shall be designed to provide maximum security for residents, guests, and employees.
13. Safety requirements. Indoor common areas and living units shall be handicap equipped or adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems or other measures determined by the reviewing authority.
14. Lighting. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
15. Trash areas. Trash areas shall be dispersed throughout the complex. Trash areas not located within a building shall be paved and located a minimum of five (5) feet from the private street or drive aisle. Such areas shall be consistent with the standards contained in Section 85.01. One trash area shall be provided for the first ten (10) units or fraction thereof, and one for each additional ten (10) units or fraction thereof.
16. Other requirements. Senior group housing shall conform with all local, state, and federal requirements.

C. Review process

Senior housing shall be subject to the applicable review requirements of the zone district.

**Section 91.05 Manufactured Home Parks**

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for manufactured home parks. The intent is to prevent the creation of any nuisance or annoyance to the occupants of neighboring areas while allowing establishment and operation of the manufactured home park.

B. General development standards

All manufactured home parks shall be constructed in the following manner:

1. Minimum site size. A site proposed for a manufactured home park shall be a minimum five (5) gross acres in size.
2. Density. The overall density of the project shall not exceed the maximum density permitted by the General Plan.
3. Manufactured home space requirements
  - a. Minimum size. The manufactured home sites shall average minimum three thousand (3,000) square feet, but no site shall be smaller than two thousand five hundred (2,500) square feet.
  - b. Minimum width. Minimum average width of a manufactured home site shall be forty-two feet (42') for sites designated for a single width manufactured home, or thirty (30) feet plus the width of the

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manufactured home for sites designated for double width or wider manufactured homes.

- c. Frontage. Each manufactured home site shall abut directly upon an interior drive aisle for a minimum of thirty (30) feet.
- 4. Yards. Minimum setbacks for individual manufactured home spaces, measured from the edge of internal streets and space lines as follows, shall be as follows:
  - a. Front setback shall be minimum ten (10) feet.
  - b. Side setback shall be either minimum five (5) feet on each side, or zero lot line on one side and ten (10) feet on the opposite side. On corner manufactured home sites or lots, the side yard adjoining the manufactured home park or subdivision street shall not be less than ten (10) feet.
  - c. Rear setback shall be minimum ten (10) feet.
  - d. Structural separation between any two dwelling units shall be minimum ten (10) feet.
- 5. Exterior boundaries. All exterior boundaries of the manufactured home park or subdivision shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device a minimum of six (6) feet in height. A minimum six (6) foot wide landscaped area shall be provided along the inside of the perimeter wall which may include the required yards of the adjoining manufactured home sites. Where a perimeter wall is located adjacent to a public right-of-way, a minimum of twelve (12) feet of landscaping shall be provided between the wall and the edge of curb, excluding the sidewalk. Landscaping shall be provided as approved by the City Landscape Architect.



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6. Lot coverage. Maximum space coverage (unit and its accessory structure(s)) shall be seventy-five percent (75%) of the home site space.
7. Common areas. A minimum of 20% of the site shall be devoted to common usable open space. Useable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between structures less than 15± feet in width, private yards or slopes greater than 3:1. The area to be utilized for common recreation facilities shall have a minimum aggregate area of three hundred (300) square feet per manufactured home space or lot.
8. Amenities. All manufactured home parks shall provide recreational amenities within the site which may include: swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or day care facilities. The type of amenities shall be approved by the Planning Commission and provided according to the following schedule:

Units	Amenities
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4
Add 1 amenity for each 100 additional units or fraction thereof.	

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9. Facilities. The following facilities shall be provided in each manufactured home park:
- a. Manufactured home park office. Every manufactured home park shall include a permanent building for office use. Such building may include a single family dwelling for the exclusive use of the owner or manager.
  - b. Laundry rooms. Every manufactured park shall have one or more laundry rooms. Laundry drying lines shall not be permitted on the mobile home sites.
  - c. Mail boxes. Each manufactured home site shall be equipped with a receptacle for mail deliveries in accordance with the standards of the local post master.
  - d. Telephone. The manufactured home park shall contain at least one public telephone for the use of the park residents.
  - e. Storage areas. Areas used for storage of travel trailers, boats, or other such items may be established in a manufactured home park provided they are adequately screened from public view.
  - f. Utilities. All utility distribution facilities, including television antennae service lines serving individual mobile home sites, shall be placed underground. The owner is responsible for compliance with the requirements of this section, and he/she shall make all the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestal, concealed ducts, and other appurtenant facilities necessary to such underground facilities may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with specifications of the City Engineer.

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All manufactured home sites must be served with water, gas, electricity, television cable, and city sewers.

10. Design. No manufactured home shall be installed in a manufactured home park if more than ten (10) years have elapsed between the date of the manufacture of the manufactured home and the date of an application for the issuance of a building permit to install the unit. Each unit shall be equipped with skirting or provided with a support pad which is recessed, in order to give the appearance of the manufactured home being located on-grade.
11. Internal streets. Streets shall be designed to provide convenient traffic circulation within the manufactured home park or subdivision. The following minimum standards shall apply unless modified by the City Engineer: the minimum width of any street shall be thirty (30) feet including the curbs; the streets shall be paved in accordance to standards established by the City Engineer; and concrete roll curbs shall be provided on each side of the street. Sidewalks shall be provided along internal streets/drive aisle where deemed appropriate.
12. Driveways. Driveway approaches into manufactured home parks shall be delineated with interlocking pavers, rough-textured concrete, landscaped medians or similar features.
13. Pedestrian access. All recreation facilities and common areas shall be conveniently located within the park or subdivision and be accessible via pedestrian pathways and sidewalks. Such accessways shall also be provided to off-site walkways to provide access to schools, parks, bus stops and commercial areas.
14. Parking. The manufactured home park shall be provided with parking and access as required by Article 87 (Off-street Parking Standards). In addition, common recreation and laundry areas serving over forty (40) manufactured homes shall have sufficient parking to accommodate one

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(1) automobile for every ten (10) manufactured home sites over the number of forty (40) that are served by the facility. If garages are provided, a minimum of twenty (20) feet shall be provided between the face of the garage door and the back of sidewalk.

15. Landscaping. Common open space areas shall be landscaped in accordance with a landscape plan approved under the Conditional Use Permit. Landscaping shall be maintained in accordance with such plans by the property owner in perpetuity. In addition to the perimeter trees, the equivalent of one (1) tree shall be planted for each manufactured home lot or space, either within the individual spaces or in common areas.
16. Lighting. Adequate internal and external lighting, including lighting of walkways, shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
17. Trash areas. Trash areas shall be dispersed throughout the park. Trash areas not located within a building shall be paved and located a minimum of five (5) feet from the private street or drive aisle. One trash area shall be provided for the first 10 units, and one for each additional 10 units or fraction thereof.
18. Animals. Dogs and other household pets shall not be permitted to run at large in any manufactured home park. Bird aviaries, poultry, and other farm animals shall not be permitted in a manufactured home park.
19. Signs
  - a. Bulletin signs. Each manufactured home park shall have a bulletin board for the listing of each manufacture home site and the name of the occupant thereof pursuant to Article 88. The bulletin board shall be located outside the office and shall be lighted at night.



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- b. Directional signs. Adequate signs indicating directions, parking areas, recreation areas, and street names, shall be established and maintained within the manufactured home park. Such signs shall not exceed six (6) square feet in area.
  - c. Individual site signs. Signs or name plates not exceeding two (2) square feet in area and displaying the name and address only of the occupant of the manufactured home may be erected at each manufactured home site.
  - d. Park signs. Signs which identify or advertise the manufactured home parks may be erected pursuant to an approved sign permit. Such signs must be located on the premises and shall not be more than one hundred twenty (120) square feet in area. They shall not be animated or illuminated except by indirect non-flashing light.
20. Transient spaces. Transient manufactured home sites shall include all sites that are occupied with manufactured homes for ninety (90) days or less. Not more than ten (10) percent of the manufactured home sites may be used for transient manufactured home sites. Sites reserved for transient manufactured homes shall be so designated on the plans submitted with the application for the manufactured home park Conditional Use Permit. All requirements of this Section shall fully apply to transient spaces. Manufactured homes which are smaller than specified in this Section may occupy such designated transient manufactured home sites for periods up to ninety (90) days.

**C. Review process**

Manufactured home parks shall be subject to Conditional Use Permit approval in accordance with Article 22, where permitted by the zone district.

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### **Section 91.06. Manufactured Home Subdivisions**

#### **A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for manufactured home subdivisions. The intent is to prevent the creation of any nuisance or annoyance to the occupants of neighboring areas while allowing establishment and operation of the manufactured home subdivisions.

#### **B. Development standards**

All manufactured home subdivisions shall be constructed in the following manner:

1. Minimum site size. A site proposed for a manufactured home subdivision shall be minimum five (5) acres in size.
2. Density. The overall density of the project shall not exceed the maximum density permitted by the General Plan.
3. Minimum lot size. Minimum lot size within a manufactured home subdivision shall be 5,000 square feet.
4. Yards. Minimum setbacks for individual manufactured home spaces, measured from the edge of internal streets and space lines as follows, shall be as follows:
  - a. Front setback shall be minimum ten (10) feet;
  - b. Side setback shall be either minimum five (5) feet on each side, or zero lot line on one side and ten (10) feet on the opposite side; On corner mobile-home sites or lots, the side yard adjoining the mobile home park or subdivision street shall not be less than ten (10) feet;

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- c. Rear setback shall be minimum ten (10) feet;
  - d. Structural separation between any two dwelling units shall be minimum ten (10) feet.
5. Exterior boundaries. All exterior boundaries of the manufactured home park or subdivision shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device minimum six (6) feet in height. A minimum six (6) foot wide landscaped area shall be provided along the inside of the perimeter screen which may include the required yards of the adjoining manufactured home sites. Where a perimeter wall is located adjacent to a public right-of-way, a minimum of twelve (12) feet of landscaping shall be provided between the wall and the edge of curb, excluding the sidewalk. Landscaping shall be provided as approved by the City Landscape Architect.
6. Lot coverage. Maximum space coverage (unit and its accessory structure(s)) shall be seventy-five percent (75%) of the home site lot.
7. Common areas. Minimum thirty percent (30%) of the site shall be devoted to common usable open space. Useable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between structures less than 15-feet in width, private yards or slopes greater than 3:1. The area to be utilized for common recreation facilities shall be a minimum aggregate area of three hundred (300) square feet per manufactured home space or lot.
8. Amenities. All manufactured home subdivisions shall provide recreational amenities within the site which may include: swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or day care facilities. The type of amenities

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shall be approved by the Planning Commission and provided according to the following schedule:

Units	Amenities
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4
Add 1 amenity for each 100 additional units or fraction thereof.	

9. Design. No manufactured home shall be installed in a manufactured home subdivision if more than ten (10) years have elapsed between the date of the manufacture of the manufactured home and the date of an application for the issuance of a building permit to install the unit. Each unit shall be equipped with skirting or provided with a support pad which is recessed, in order to give the appearance of the manufactured home being located on-grade.
10. Parking. Parking shall be provided as required for single family residences pursuant to Article 87 (Off-Street Parking). A minimum of twenty (20) feet shall be provided from the garage door face to the back of sidewalk.
11. Internal circulation. Internal vehicular circulation shall be via local public streets or private streets as provided for in Article 87 (Off-Street Parking). Streets shall be designed to provide convenient traffic circulation within the manufactured home park or subdivision. The following minimum



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standards shall apply unless modified by the City Engineer: the minimum width of any street shall be thirty (30) feet including the curbs; the streets shall be paved in accordance to standards established by the City Engineer; and concrete roll curbs shall be provided on each side of the street. Sidewalks shall be provided along internal streets/drive aisle where deemed appropriate.

12. Driveways. Driveway approaches into manufactured home subdivisions shall be delineated with interlocking pavers, rough-textured concrete, landscaped medians or similar features.
13. Pedestrian access. All recreation facilities and common areas shall be conveniently located within the park or subdivision and be accessible via pedestrian pathways and sidewalks. Such accessways shall also be provided to off-site walkways to provide access to schools, parks, bus stops and commercial areas.
14. Landscaping. Common open space areas shall be landscaped in accordance with a landscape plan approved under the Conditional Use Permit. Landscaping shall be maintained in accordance with such plans by the designated homeowner's association in perpetuity. In addition to the perimeter trees, a minimum of one (1) tree shall be planted on each lot.
15. Lighting. Adequate internal and external lighting, including lighting of walkways, shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
16. Trash area. Each individual lot within the subdivision shall be responsible for trash service as a single family residence. Trash areas and enclosures shall be provided for common recreation facilities as deemed necessary.

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17. Utilities. All on-site utilities shall be installed underground.
18. Homeowner's associations. A homeowner's association shall be formed for any manufactured home subdivision. Such association shall be responsible for maintenance of common recreation facilities, common open space areas, common landscape areas, pedestrian pathways, private streets/drive aisles and other common areas identified on the subdivision map.
19. Signs. Subdivision signs may be permitted in accordance to Article 88.

### C. Review process

Manufactured home subdivisions shall be subject to approval of a subdivision map and a Conditional Use Permit, pursuant to Chapter 22 of this Ordinance, where permitted by the zone district.

### **Section 91.07 Closures of Mobile Home Parks** *(Zoning Ordinance Amendment 96-2 adopted by City Council April 10, 1996.)*

#### A. Findings and Declaration of Purpose.

Mobilehome owners make considerable investments in purchasing, maintaining, and improving their mobilehomes, but must rent a space for the home in a mobilehome park and cannot easily move the mobilehome due to the high cost and risk of damage involved in moving a mobilehome. Further, park owners prefer to rent any vacant spaces to new homes and frequently refuse to rent a space to a homeowner wishing to relocate a home that is not new. In recognition of the unique situation and vulnerability of mobilehome owners created by these facts, the State Mobilehome Residency Law, Civil Code Section 798, *et seq.* and Government Code Sections 65863.7 and 66427.4, limit the grounds on which mobilehome owners may be evicted from a mobilehome park, protect their right to sell their mobilehomes in place in a mobilehome park and

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authorize local jurisdictions to impose reasonable measures to mitigate the adverse impacts on displaced mobilehome owners when a mobilehome park closes or converts to another use. Pursuant to these state laws, this Section provides a procedure and standards for reviewing applications for change of use and closure of mobilehome parks, determining reasonable mitigation measures and protecting residents from tactics such as intimidation, designed to pressure mobilehome owners to relocate without receiving assistance pursuant to this Section. Without such assistance mobilehome owners may lose the investment in their homes, which may be their only asset, and may not be able to relocate to decent, affordable housing.

**B. Definitions**

As used in this Section, the following words and phrases shall have the following meanings:

1. "Applicant" shall mean a person or entity who has filed an application for change of use of a mobilehome park.
2. "Change of use" includes all activities specified in Section 798.10 of the California Civil Code and amendments to the general plan or any applicable specific plan, rezoning of property, land use permits, such as a conditional use permit or a variance, tentative parcel or tentative tract maps, and building permits when they involve changing the use of or closing a mobilehome park or a part thereof. "Change of use" includes closure of a park when no new use is planned.
3. "Comparable housing" shall mean housing which is comparable in floor area, number of bedrooms, and amenities, proximity to public transportation, shopping, schools, employment opportunities and medical services and other relevant factors to the mobilehome to which comparison is being made.

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4. "Comparable mobilehome park" means a mobilehome park substantially equal in terms of park condition, amenities, and other relevant factors, including, but not limited to, proximity to public transportation, shopping, medical services, employment opportunities and schools.
5. "Director" means the Director of Planning.
6. "Eligible mobilehome resident" or "eligible resident" means a mobilehome resident whose mobilehome was located in a mobilehome park on the date of an application for change of use. Eligible resident includes the spouse, parents, children and grandchildren of the eligible resident when those persons resided in the mobilehome on the date of the application.
7. "Legal owner" shall mean any person or entity having an ownership interest in a mobilehome other than the registered owner, such as a lender or mortgagor.
8. "Mobilehome" has the meaning set forth in Section 798.3 of the California Civil Code.
9. "Mobilehome owner" means the registered owner or registered owners of a mobilehome, regardless of the number of such owners or the form of such ownership.
10. "Mobilehome park" or "park" has the meaning set forth in Section 5.44.070(D) of the Palmdale Municipal Code.
11. "Mobilehome park owner" or "park owner" means the person, persons or entity that owns a mobilehome park and includes any person authorized by the park owner to seek approval of an application for change of use or respond to a rent review petition filed pursuant to this Section.
12. "Mobilehome resident" or "resident" means a mobilehome owner who resides in the mobilehome he or she owns. Resident includes the



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mobilehome owner's spouse, parents, children and grandchildren who reside in the mobilehome.

13. "Mobilehome tenant" or "tenant" is a person who occupies a mobilehome within a mobilehome park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that mobilehome.
14. "Handicapped mobilehome resident" means a mobilehome resident with any medically determinable physical or mental impairment as demonstrated by a finding of a state or federal agency or a medical certificate, or who requires special care facilities in the mobilehome or special care equipment, such as, but not limited to, a wheelchair.
15. "Low income" means an income of eighty percent or less of current median income as established annually by the United States Department of Housing and Urban Development ("HUD") for the Los Angeles Standard Metropolitan Statistical Area ("SMSA") as adjusted for household size.

C. Application and Relocation Impact Report--Data on Mobilehome Owners and Park Residents--Duty to File.

1. Prior to a change of use of a mobilehome park, an application therefor and a relocation impact report ("RIR") complying with the requirements of this Section must be filed with the Director. No application shall be deemed complete or processed for consideration and approval until an application and RIR meeting all the requirements of this Section have been filed. No oral or written announcement or notice that a mobilehome park is closing or changing the use of a mobilehome park, or will be applying to do so, may be made before an application for change of use has been filed pursuant to this Section. The City Council, by resolution, may impose a fee for review of the application and RIR.

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2. The RIR shall contain the following information:
  - a. A description of any proposed new use.
  - b. A timetable for conversion of the park.
  - c. A legal description of the park.
  - d. The number of spaces in the park, length of occupancy by the current occupant of each space, and current rental rate for each space.
  - e. The date of manufacture and size of each mobilehome by space.
  - f. Appraisals of the on-site value, depreciated replacement value and removal value of the mobilehome of each eligible resident in the park. A qualified appraiser shall be selected by the City and the cost of the appraisals shall be borne by the applicant. The appraisals shall identify those mobilehomes which cannot be moved due to type, age or other considerations.
  - g. The total number of mobilehome residents, broken down space by space to identify owner or renter occupancy, principal or second home occupancy, residents under 16 years of age, residents 60 years of age or over, residents who are handicapped, any remaining mortgage and its terms, the purchase date and price paid by the mobilehome owner, the cost incurred by the mobilehome owner in improving the home and the amount and terms of any remaining mortgage. This information shall be provided on a questionnaire developed by the Director and sent to the residents by the Director who shall use the information in evaluating the application and any appropriate relocation assistance, provided, however, that the questionnaires shall remain confidential and that, to the extent possible, the Director shall

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maintain the confidentiality of the personal financial information contained in the questionnaire.

- h. The name and mailing address of each eligible resident, mobilehome tenant, mobilehome resident, resident mobilehome owner and legal owner of a mobilehome in the park.
- i. The purchase price of condominiums similar in size to the mobilehomes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance, including but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits.
- j. A list of comparable mobilehome parks within a fifty-mile radius of the applicant's mobilehome park. For each comparable park, the list shall state the criteria of that park for accepting relocated mobilehomes, rental rates and the name, address and telephone number of the park representative having authority to accept relocated homes, including any written commitments from mobilehome park owners willing to accept displaced mobilehomes.
- k. Estimates from two (2) moving companies as to the minimum and per mile cost of moving each mobilehome, including tear-down and setup of mobilehomes and moving of improvements such as porches, carports, patios, and other moveable amenities installed by the residents. Said moving companies shall be approved by the Director prior to inclusion in the final RIR.
- l. Proposed measures to mitigate the adverse impacts of the conversion upon the mobilehome park residents.
- m. Identification of a relocation specialist to assist residents in finding relocation spaces and alternate housing. The specialist shall be

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selected by the applicant, subject to the City's approval, and shall be paid for by the applicant.

### D. Notice to Existing and Prospective Occupants Regarding Pending Change in Status of Park--Relocation Assistance.

When an application for change of use of a mobilehome park has been filed with the Director, the applicant shall give notice to all existing tenants of the subject park, and all prospective mobilehome purchasers and prospective mobilehome tenants within the park, prior to commencement of escrow to purchase the home and execution of any rental agreement, that the application for change of use has been filed and that they may not be entitled to relocation assistance pursuant to this Section. The park owner shall obtain a signed acknowledgment of receipt of such notice from each tenant and prospective purchaser or tenant and file it with the Director. Provided all requirements of Civil Code Section 798.80 or successor statute have been complied with, tenants of the mobilehome park shall have the right of first refusal to purchase the mobilehome park prior to its sale to some other individual or entity.

### E. Application for Change of Use--Public Hearing--Findings.

1. a. Upon the filing of an application for change of use and RIR, or for exemption from the requirements of Government Code §65863.7, the Director shall examine the same and advise the applicant in writing within 30 days after receipt thereof whether it is complete. The application for a change of use and RIR shall be accepted for filing without the appraisals and confidential tenant information required by paragraph C(2)(f) of this Section, but the application shall not be deemed complete until that information has been supplied by the applicant. If the applicant fails to provide the information required by paragraph C(f) of this Section within 120 days of filing the application, the application shall be deemed withdrawn.



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- b. An application for exemption from the requirements of Government Code Section 65863.7 shall specify whether it is for a partial or complete exemption and shall provide documentary evidence of the qualification for any exemption allowed by Government Code Section 65863.7. The application shall contain the information required in paragraph C(2) of this Section except that it need not provide the information required by paragraphs C(2)(f), (i), (l) of this Section. Further, while the applicant must identify a qualified relocation specialist, the requirement that the services of the specialist be paid for by the applicant may be waived.
2. Not less than thirty days prior to the scheduled public hearing before the Planning Commission, the park owner shall, by certified mail or personal delivery, transmit to the registered and legal owner of each mobilehome occupying a site within the mobilehome park and to each resident a copy of the RIR and notice of the date, time and place of the public hearing on the application.
3. Not less than fifteen days prior to the scheduled public hearing before the Planning Commission on the RIR, the park owner shall file with the Director a verification that he has complied with the requirements of this section pertaining to notices and transmittal of copies of the RIR and with all notice requirements in Government Code Section 65863.7, et seq. The form and manner of such verification shall be subject to approval by the City Attorney.
4. Planning Commission Hearing, Findings and Advisory Decision.

Upon review of an application for change of use or exemption and the RIR and consideration of the written and oral evidence received at the hearing, the Commission shall render its findings and recommendation to the City Council by resolution within 95 days of the date the application and RIR were accepted as complete. In rendering its advisory decision, the Commission may recommend reasonable measures not exceeding the

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reasonable costs of relocation to mitigate the adverse impacts on eligible residents displaced by the change of use, which may include, but are not limited to, the following:

- a. Payment of the cost of physically moving the mobilehome to a new site, including tear-down and setup of mobilehomes, including, but not limited to, movable improvements such as patios, carports and porches.
- b. Payment of a lump sum based on consideration of the first and last month's rent and any security deposit at the new mobilehome park.
- c. Payment of a lump sum based on consideration of any differential between rental rates at the closing mobilehome park and the new mobilehome park during the first year of the new tenancy.
- d. For residents whose mobilehome cannot be relocated to a comparable park within a 50-mile radius of the closing mobilehome park, payment of a lump sum based upon consideration of the value of the mobilehome, including resident improvements (i.e., landscaping, porches, carports, etc.), any mortgage obligations of the resident on the mobilehome, and the costs of purchasing a mobilehome on-site in a comparable park or acquiring other comparable replacement housing.
- e. Provision of a replacement space within a reasonable distance of the closing mobilehome park.
- f. Notwithstanding any other provision in this Section, the total of the mitigation measures required shall be subject to and shall not exceed the limitation in Government Code Section 65863.7 which provides: "the steps taken to mitigate shall not exceed the reasonable costs of relocation."

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- g. Notwithstanding any other provision of this Section, if the mobilehome park closure or cessation in use is the result of an adjudication of bankruptcy, the park owner shall not be required to pay relocation assistance. (See Government Code Section 65863.7(f.))
- 5. City Council Hearing, Findings and Decision.
  - a. The application for change of use and any application for exemption shall be set for hearing before the City Council within 45 days of the date of the Planning Commission resolution recommending the mitigation measures to be imposed on the change of use of a park or exemption, pursuant to Government Code Section 65863.7, from the provision of relocation assistance.
  - b. The City Council, after review and consideration of the application, the RIR and the written and oral evidence received at the hearing, shall by resolution render its findings and decision within 80 days of the date of the Planning Commission resolution.
  - c. The City Council may impose reasonable measures not exceeding the reasonable costs of relocation to mitigate the adverse impacts of the change of use on eligible mobilehome residents pursuant to subsection E(4) above. The decision of the City Council shall be final. Pursuant to Code of Civil Procedure Section 1094.6, the statute of limitations for bringing a judicial challenge to any decision concerning a change of use of a mobilehome park shall be 90 days and notice of the City's decision to the applicant, park owner, and affected residents shall include notice that the 90 day statute of limitations in Section 1094.6 is applicable.



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**F. Measures to Prevent Avoidance of Relocation Assistance Obligations.**

1. No notice or other announcement that a park is closing, or converting to another use, or may close or convert to another use, may be made before the park owner has filed an application for change of use with the City. No signs may be posted on or adjacent to the park property indicating that the park is closed or converted to another use until the application and RIR has been approved and the park owner has executed and filed with the Director a written acceptance of the mitigation requirements imposed on the change of use pursuant to this Section.
2. Any eligible resident who relocates after an application for a change of use is filed shall be entitled to the relocation assistance imposed as a condition of the change of use even if that resident relocates before the final decision of the City Council determining the required relocation assistance pursuant to this Section.
3. Each park owner shall send a copy of this Section to each existing and new resident of the Park by certified mail. Signed acknowledgment of receipt of such copy by each existing resident shall be filed with the Director within thirty (30) days of the effective date of this Ordinance. A signed acknowledgment of such copy by each new resident shall be filed with the Director within 15 days of the date the new resident enters a rental agreement with a park or lawfully occupies a mobilehome in the park.
4. No prospective mobilehome resident who enters escrow to purchase a mobilehome in a park prior to the date an application for change of use is filed and no existing mobilehome resident may be required to sign a waiver, or a lease or rental agreement which includes a waiver, of their rights under this Section. Any waiver of rights under this Section by such a mobilehome resident shall be deemed invalid unless the resident or prospective resident and the park owner obtain the prior approval of the waiver from the Director, who may grant such approval only upon a



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finding that the waiver is voluntary and was made after being fully informed of the terms of this Section.

- G. Compliance with Relocation Assistance Required as a Condition of Approval of a Change of Use.
1. The applicant shall execute and record a certificate, and file proof thereof with the Director, accepting the mitigation measures imposed on the approval of a change of use within 90 days of the final resolution approving the change of use and shall give the 6 month notice of the "Termination of Tenancy" and closure of the park required by the Civil Code within 120 days of the adoption of that resolution. A resolution approving a change of use shall automatically become null and void if the certificate accepting the conditions is not filed and executed within 90 days of the date of the final resolution approving the change of use and the notice of "Termination of Tenancy" has not been given within 120 days of that resolution. All mitigation measures imposed on the approval of a change of use shall be fully performed as to each resident prior to that resident's required vacation of the mobilehome park, unless otherwise provided in the mitigation measure. No eligible resident shall be required to vacate a mobilehome space unless the applicant is in full compliance with all mitigation measures imposed pertaining to such resident, and has otherwise fulfilled the notice requirements of the California Mobilehome Residency Law relating to "Termination of Tenancy".
  2. No building permit shall be issued for the development of any real property which has been, or is being, converted from a mobilehome park pursuant to this Section unless and until the City has adopted a resolution approving the change of use and the park owner has fully complied with the relocation assistance required by that resolution.

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#### **H. Modification and Revocation of Approved Change of Use.**

##### **1. Modification.**

- a. After a change of use has been approved and after the applicant has executed and recorded a certificate of acceptance of the conditions of the resolution approving it, modification of the mitigation measures imposed, including additions and deletions, may be considered upon the filing of a written application by the applicant. Modification may be granted on the grounds that there has been a change in circumstances or new information, which could not reasonably have been known or considered at the time of the hearings on the application, has become available. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation spaces. Modification shall not be granted when it would unreasonably prejudice the ability of the residents to relocate to comparable spaces or comparable alternate housing.
- b. Any application for modification shall be subject to the notice and hearing procedures set forth in subsections E and F. The decision in connection with a modification request shall take place as with the initial approval.

##### **2. Revocation.**

- a. The City Council may by resolution initiate revocation proceedings on the grounds that the park owner or applicant has violated the provisions of this Section or the terms of the resolution approving the change of use. The resolution shall specify the grounds asserted for revocation of the approval of the change of use by the park and shall set a hearing before the City Council to consider the revocation not sooner than 45 and not later than 60 days after the date of the resolution.

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- b. A copy of the resolution shall be sent to the park owner by certified mail or personal delivery together with notice that any response by the park must be filed at least 20 days prior to the date set for the revocation hearing.
- c. The City Council shall render its findings and decision concerning revocation by resolution within 90 days after initiating revocation proceedings.

**I. Expiration and Extension of Approval.**

- 1. Approval of a change of use shall become null and void if the notice of "Termination of Tenancy" has not been given within the time provided in subsection G of this Section and relocation pursuant to the conditions of approval has not occurred within twelve (12) months of the effective date of the resolution approving the change of use, unless otherwise extended as provided in subparagraph 2 of this subsection I or unless otherwise provided in the resolution approving it.
- 2. Upon application by the park owner filed with the Director on or before the time provided for giving the Notice of Termination or the expiration of the approval of the change of use, the date for giving notice and the approval may be extended by the City Council upon a showing of good cause. The request may be denied if the Council finds that the park owner has unreasonably delayed implementation of the mitigation measures or that further delay will result in prejudice or further adverse impacts upon eligible residents remaining in the park. Approval of an extension may be conditioned on reasonable measures designed to mitigate the adverse impacts resulting from the delay. The application for extension shall be subject to the notice and hearing procedures set forth in subsection H(2).

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### **J. Enforcement**

1. The City Council may bring a civil action to enforce the terms of this Section or the terms of a resolution approving a change of use.
2. A violation of this Section or of the terms of a resolution approving a change of use shall be a misdemeanor punishable by a fine of \$1,000. Each violation of a section or subsection of this Section shall be a separate violation, each violation of each term of such resolution as to a particular eligible resident shall be a separate violation and each continued day of violation after notice of violation has been given shall constitute a separate violation."

### **K. Conflicts**

In the event the provisions of this Section conflict with any code, ordinance or regulation of the City, the provisions of this Section shall govern. In the event any provisions of this Section conflict with a provision of State law, this Ordinance shall be interpreted and applied in conformity with State law.

### **L. Severability**

If any part or provision of this Section, or the application of such to any person or circumstance is held invalid, the remainder of the Section, including the application of such part or provision to other persons or circumstances, shall not be effected and shall continue in full force and effect. To this end the provisions of this Section are severable



**Section 91.08 Garage Sales as an Accessory Use**

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for garage sales. The intent is to prevent the creation of nuisance or annoyance to the occupants of neighboring dwellings while allowing residents the opportunity to utilize their properties in a limited capacity for the purpose of marketing surplus household goods. Garage Sales are permitted as an incidental use in the A-1, R-1, R-2, R-3 and MX zones.

B. Standards

Garage sales shall be permitted subject to the following standards:

1. Garage sales may only be held in zones where it is specifically listed as a permitted accessory use.
2. Sales shall last no longer than three (3) consecutive days.
3. Sales shall be held no more than twice annually.
4. Sales shall be conducted on the property where the seller resides. Multiple family sales are permitted if they are held on the property of one of the sellers.
5. The merchandise offered for sale shall be limited to the personal goods of the homeowner(s) holding the sale. The offering of merchandise acquired for the purpose of resale is prohibited.
6. Signs shall be limited to one sign on the property where the sale is being conducted.

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### **Section 91.09 Tennis Courts and Play Courts in Residential Zones** *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

#### **A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for tennis courts and play courts within residential zones. The intent is to preserve the integrity of the existing residential areas by preventing negative health, safety and aesthetic impacts, while allowing residents the opportunity to establish tennis courts or play courts on properties of sufficient size and configuration to accommodate this use.

#### **B. Development standards**

In the A-1, R-1, R-2 or R-3 Zone, a tennis court or play court shall be permitted as an accessory structure on a lot or site containing a primary residential use, subject to the following standards:

1. Limited use. When located in the rear yard of a single family residential structure, a tennis or play court shall be used only by the occupants of the principal dwelling, or their non-paying guests. The court shall not be rented or used for paid instructional purposes. When located within multiple family residential complexes, a tennis or play court shall be used only by occupants of the on-site dwelling units, or their non-paying guests.
2. Property requirements. Within the R-1 and A-1 zone districts, one (1) tennis court or play court may be permitted on a lot of record, at least 30,000 square feet in size or larger, which contains an existing single family detached dwelling unit, or on a lot adjacent to another lot that contains a residential structure where both lots are under a common ownership and the aggregate area of the two parcels is 30,000 square feet or larger. Within the R-2 or R-3 zone district, tennis courts or play courts may be permitted only as an accessory use to a multi-family development, on a lot or parcel of at least one (1) acre or larger.

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3. Location. Within the R-1 and A-1 zone district, tennis courts and play courts shall be located in the rear yard area and shall not extend into any front or required side yard area. Within the R-2 or R-3 zone district, courts shall not be located in any required front, rear or side yard setback area.
4. Yards and building separation. Within the R-1 and A-1 zone district, minimum setbacks for tennis or play courts, measured from the property line to the court fence or lighting fixture, shall be as follows:
  - a. Side yard setbacks shall be a minimum of fifteen (15) feet.
  - b. Rear yard setbacks shall be a minimum of fifteen (15) feet.
  - c. Structural separation between the tennis court fence and any other fence, building, or structure shall be a minimum of ten (10) feet.

Within the R-2 and R-3 zone district, structural separation between the tennis court fence and any other fence, building or structure shall be ten (10) feet, and setbacks for tennis courts are those setbacks established for the zone.

5. Fence standards. Tennis court or play court fencing shall not exceed fifteen (15) feet in height. The fence may be plastic-coated chain link, colored dark green, dark brown or black, or dark-colored mesh netting or wind screen material. No galvanized chain link, or solid fencing is permitted.
6. Lighting. No lighting for tennis or play courts shall be permitted without a Conditional Use Permit and without conforming to the following minimum standards:
  - a. Light standards shall not exceed fourteen (14) feet in height.

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- b. Lighting fixtures shall be designed with sharp cut-off shields to prevent glare onto adjacent properties.
  - c. Mercury vapor lighting shall not be permitted.
- 7. Lot coverage. Tennis courts or play courts shall not be included in calculations for lot coverage and may be included in calculations of open space requirements. The graded area for a tennis or game court shall not exceed 7,700 square feet.
- 8. Development of tennis courts or play courts in hillside areas. Any tennis court or play court constructed on a parcel subject to the provisions of Article 100 (Hillside Management) may be permitted subject to approval of a Conditional Use Permit and shall be constructed in accordance with Article 100 and as follows:
  - a. Retaining walls constructed for a court shall not exceed four feet in height at any point along the wall.
  - b. A tennis court or play court shall not be located on slopes where the natural terrain prior to grading exceeds a 2:1 grade or within natural drainages.
  - c. When grading is required for a tennis or play court, cutting and filling shall be balanced on-site and shall not exceed 750 cubic yards.
- 9. Screening. A tennis court or play court shall be adequately screened on all sides facing a rear or side lot line. Such screening shall be composed primarily of landscaping which shall be maintained in a healthy condition. All landscaping and irrigation plans will be reviewed and approved by the City Landscape Architect.



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- C. Review process. Tennis courts and play courts that are proposed to be lit, and tennis courts or play courts that are proposed to be located on property subject to Article 100 of this Ordinance, shall require a Conditional Use Permit issued in accordance with the procedures and requirements of Article 22 of this Ordinance. Tennis courts and play courts that are not proposed to be lit, and tennis courts and play courts not proposed to be located on property subject to the requirements of Article 100 of this Ordinance, shall require Site Plan Review approval in accordance with the procedures and requirements of Article 21 of this Ordinance."

**Section 91.10 Caretaker's Residences** *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for full-time caretaker's residences within the OR, A-1, C-3, C-5 and industrial zones. (Regulations for temporary caretaker's residences are provided in Section 27.03.B.3). The intent is to permit caretaker's residences where a need exists, based on the type of use, for full time security personnel or a superintendent to be present on-site. Caretaker's residences, where permitted by the zone, are allowed only as an accessory use.

B. Development standards

In the OR, A-1, C-3, C-5 and industrial zones, a caretaker's residence shall be permitted as an accessory structure on a lot or site containing a primary open space or recreation, commercial, agricultural, or industrial use, subject to the following standards:

1. Limited use. A caretaker's residence may be occupied only by a caretaker or superintendent and their families. No other residential

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occupancy is permitted. A caretaker's residence shall not be used as office space.

2. Property requirements. A caretaker's residence may be permitted only on properties in the OR, A-1, C-3, C-5 and industrial zones which contain a primary open space or recreation, agricultural, commercial or industrial use. Only one caretaker's residence shall be permitted per lot of record.
3. Construction standards. All construction of detached caretaker's residences shall meet the minimum construction standards for single family residences as contained in Section 41.09.G. All construction of attached caretaker's residences shall meet the applicable construction standards for multi-family residences contained in Section 42.09.G. All caretaker's residences shall be affixed to a permanent foundation .
4. Design and materials. Caretaker's residences shall be designed and constructed with materials that are comparable to and compatible with any structures constructed for the primary use, if applicable, except that those construction materials which are prohibited under the appropriate construction standard requirements shall not be used for caretaker's residences.
5. Driveway access. The driveway serving the primary use shall also serve the caretaker's residence.
6. Pedestrian access. Each caretaker's unit shall be provided with a separate outside entrance, with adequate pedestrian access from a public street to the entrance.
7. Parking. A minimum of one (1) covered parking space, in a permitted location, shall be provided on the same lot as the caretaker's residence, in addition to the required parking spaces serving the primary use.

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8. Yards. A caretaker's residence shall not be constructed within a yard or setback area required by the zone or for the primary use.
- C. Review process. A caretaker's residence which is added to an existing facility shall be subject to administrative review and approval by the Director of Planning, pursuant to Section 26.04, where permitted by the zone. Caretaker's residences that are intended to be incorporated into the overall site plan design of the property and constructed at the same time as the primary use shall be reviewed and approved as part of the development application for the primary use."





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Section 92.01 Drive-Through Facilities

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for drive-through facilities provided with other commercial uses including but not limited to restaurants and financial institutions. The intent is to ensure that such developments do not have negative impacts on traffic, safety, air quality, and visual character of the area they are located in.

B. Vehicle reservoir areas

1. Adequate reservoir capacity for vehicles to enter a facility safely and efficiently shall be provided for all drive-through development projects. Required storage capacities are identified below. Reduced requirements may be allowed when sufficient evidence is provided, to the satisfaction of the reviewing authority, to demonstrate that such reduction will not impair traffic safety on the site. For land uses not identified, reservoir capacity shall be subject to the approval of the reviewing authority.

Drive-Through Facility Type	Vehicle Reservoir Required
Bank	10 spaces per service position, to a maximum of 25 total.
Retail or laundry	4 spaces per service position.

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Restaurant	6 spaces at ordering locations; 3 spaces between ordering and pick-up locations.
Full-service car wash	2 spaces per approach line, 10 minimum. Drying area: 2 spaces per approach line, 8 minimum.
Self-service car wash	Two spaces on each position approach. Drying area: 2 spaces per approach line, 8 minimum.
Drive-through car wash (without on-site drying)	6 spaces on each approach.
Service station	1 space per service row of gasoline pumps.
Lubrication/oil change service	2 spaces per service bay.

2. The minimum reservoir area does not include the vehicle(s) being served. Each reservoir space shall be eleven (11) feet wide and twenty (20) feet long. Reservoir areas may not block aisles, driveways, or access to parking spaces.

**C. Development standards**

1. Site design should locate the drive-through aisle so that pedestrians do not need to cross the aisle in order to access main building entrance from the parking lot or street. If a pedestrian walkway intersects a drive-through aisle, the walkway shall be highlighted with enhanced paving and

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lighting, and shall be located for maximum visibility of pedestrians from vehicles.

2. Drive-through aisles shall have a minimum fourteen (14) foot width on curves and a minimum eleven (11) foot width on straight sections, with a minimum inside turning radius of fifteen (15) feet.
3. Drive-through aisles shall be constructed with (PCC) concrete.
4. Drive-through aisles and structures shall be set back from the ultimate curb face of an adjacent public right-of-way a minimum of twenty-five (25) feet.
5. Drive-through lanes should be screened from public view by orientation of the building and provision of landscaping berming, low screen walls or a combination thereof.
6. Menu boards shall face away from the street and have maximum dimensions as specified in Section 88.10.H.
7. Drive-through aisles shall not exit directly onto a public right-of-way. When drive-thru aisles are oriented toward a public right-of-way, sufficient screening shall be provided so that automobile headlights do not shine into the public right-of-way.
8. Drive-through restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, and other design elements.
9. Other than menu boards, signs for drive-through services shall conform to Section 88.10.I.

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### **D. Review process**

All drive-through facilities shall be subject to the review process set forth in each zone. All drive-through facilities shall be reviewed by the Development Advisory Board. In making the decision for approval of the proposed drive-through facility, the reviewing authority shall consider possible air quality, traffic safety, and visual impacts of the proposed facility, as well as consistency with this Section and other applicable provisions of the Zoning Code.

### **Section 92.02 Outdoor Seating Areas**

#### **A. Purpose and intent**

Outdoor seating areas can enhance the pedestrian ambience of commercial areas and are encouraged. However, reasonable regulation of outdoor seating is necessary to protect the public health, safety, and welfare. The purpose of this section is to set forth the conditions and requirements under which outdoor seating areas may be permitted to operate by approval of the Planning Department, Building Department and an encroachment permit.

#### **B. Definitions**

An outdoor seating area is a group of tables and chairs and its authorized decorative and accessory devices situated and maintained upon private or public property or upon the public sidewalk for the use in connection with the consumption of food and beverage sold to the public from or in an adjoining restaurant.

#### **C. Development standards**

Any outdoor seating area shall be developed and operated in conformance with the following standards in addition to any other applicable standards and regulations.



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1. An outdoor seating area may be established where permitted by the zone.
2. A restaurant may be permitted to operate an outdoor seating area provided that the restaurant conforms to all applicable codes and ordinances.
3. An outdoor seating area may be located on the private property or on the public sidewalk. Any outdoor seating area located on the public sidewalk shall be subject to issuance of an encroachment permit and must be immediately adjacent to and abutting a restaurant. The area in which the outdoor seating area is located shall extend no further along the sidewalk's length than the actual sidewalk frontage of the operating restaurant. Any outdoor seating area located within the public right-of-way must also provide proof of sufficient liability insurance to the satisfaction of the City Engineer.
4. An outdoor seating area may be located on a private or public sidewalk only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the proposed outdoor seating area. There shall be a minimum six (6) foot clear distance or fifty (50) percent of the sidewalk width, whichever is greater, free of all obstructions in order to allow adequate pedestrian movement.
5. All tables and chairs shall be set back not less than three (3) feet from any curb and from any street or barrier and shall not be situated within eight (8) feet of any designated bus stop.
6. The area in which the outdoor seating area is authorized shall be identified in a manner which will clearly separate and delineate it from the areas of the sidewalk which will remain open to pedestrian traffic.
7. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. Outdoor amplified music or

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speakers shall be reviewed at the time of application and shall require a Conditional Use Permit.

8. No signing may be allowed within any outdoor seating area, except for the name of the operating establishment on awning(s) or umbrella valance(s).
9. The following requirements apply to outdoor seating areas which are operated exclusively by an adjacent restaurant for service to other portions of said restaurant:
  - a. The outdoor preparation of food or busing facilities are prohibited at outdoor cafes. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within the cafe shall be easily cleanable and shall be kept clean at all times by the permittee. Restrooms for the outdoor seating area shall be provided in the adjoining restaurant and the outdoor seating shall be counted in the restroom requirements for the restaurant.
  - b. Trash and refuse storage for the outdoor seating area shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permittee shall be responsible to remove all the trash and litter as they accumulate. The permittee shall be responsible to maintain the outdoor dining area including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.
  - c. Hours of operation shall be identical to those of the adjacent restaurant, unless reduced by the reviewing authority. Tables, chairs, and all other furniture used in the operation of an outdoor cafe shall be removed from the sidewalk and stored indoors whenever the restaurant is not in operation.
  - d. No parking shall be required for the outside seating area, provided that no more than twenty (20) percent of the total seating provided

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by the restaurant is outdoor seating. Otherwise, parking shall be provided pursuant to Article 87.

10. The City shall have the right and power, acting through the Director of Planning, or his or her designee, to prohibit the operation of an outdoor seating area at any time because of anticipated or actual problems or conflicts in the use of sidewalk area. Such problems or conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs, to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the outdoor cafe will be prohibited by the City, but any failure to give prior notice shall not affect the right and power of the City to prohibit the operation of the outdoor seating area at any given time.

**D. Review process**

An outdoor seating area proposed in conjunction with a new restaurant shall be reviewed in conjunction with the application for the related restaurant. An outdoor seating area proposed for an existing restaurant shall be subject to approval of a modification to the approval for the existing restaurant. Any outdoor seating area located in the public right-of-way shall be subject to issuance of an Encroachment Permit. Any outdoor seating area in which alcoholic beverages will be served shall be subject to the provisions of Section 92.08.

In connection with approval of any outdoor seating area, the reviewing authority shall make findings that the proposed operation meets the requirements of this section. The reviewing authority may impose such conditions in granting such approval as deemed needed to assure that the proposed operation will meet the operating requirements and conditions set forth in this section and to assure that the public safety and welfare will be protected.

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The right to operate an outdoor seating area may be revoked by the Planning Commission upon a finding that one or more of the conditions of this section have been violated, or that the outdoor seating area is being operated in a manner which constitutes a nuisance, or that the operation of the outdoor seating area unduly impedes or restricts the movement of pedestrians past the outdoor seating area.

### **Section 92.03 Kennels**

#### **A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for kennels located in the A-1 (Light Agriculture) Zone. The intent is to protect health and welfare of the surrounding residents and citizens in general by preventing potential negative impacts related to odor, noise, traffic, visual appearance, health and safety.

#### **B. Standards Kennels shall be established and operated in accordance with the following requirements:**

1. No kennel shall be established on a parcel containing less than five (5) acres.
2. Kennels are permitted only as an accessory use on parcels which contain a dwelling unit for the residence of the kennel operator.
3. Kennels shall be conducted and operated in accordance with standards established by the Los Angeles County Animal Control office for construction and operation of kennels.
4. Off-street parking shall be provided in accordance with Article 87; however, in no event shall the number of spaces be less than five (5).



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5. All signage shall comply with the provisions of Article 88 (Signs) of this Zoning Ordinance.
6. The disposal of animal waste shall be in accordance with applicable federal, state and local laws.
7. The location of any animal enclosures shall be in accordance with Section 30.09.D.

C. Review process

Kennels in Zone A-1 shall be subject to approval of a Conditional Use Permit in accordance with Article 22.

**Section 92.04 Veterinary Clinics and Animal Hospitals**

A. Purpose and intent

These regulations are provided to establish standards for development and operation of veterinary clinics and animal hospitals, in order to protect the health and welfare of adjacent residents by preventing potential negative impacts related to odor, noise, traffic, visual appearance, disposal of wastes or other aspect of such business.

B. Standards

1. The following standards apply to any veterinary clinic or animal hospital established in the City.
  - a. Off-street parking facilities shall be provided as required by Article 87. In no event shall the number of parking spaces provided be less than five (5) spaces for a facility.

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- b. All signage shall comply with the provisions of Article 88 (Signs) of this Zoning Ordinance.
  - c. The disposal of dead animals and waste shall be in portable, closed refuse containers, which shall be kept inside the building until removal from the premises. The applicant shall submit to the City, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements for the proper and adequate disposal of dead animals and refuse.
  - d. The buildings and equipment on the premises shall be provided and maintained in accordance with standards and shall be kept in a clean and sanitary condition at all times.
  - e. All small animal care and, to the extent feasible, large animal care, shall be conducted within an enclosed and sound controlled building. All animal enclosures shall be located in accordance with the provisions of Section 30.09.D.
2. The following standards shall apply to veterinary clinics established in the A-1 (Light Agriculture) Zone.
- a. No clinic shall be established on a parcel containing less than five (5) gross acres.
  - b. Veterinary clinics are permitted only as an accessory use on parcels which contain a dwelling unit in which the veterinarian resides.
  - c. The practice may include large or small animal patients.
3. The following standards shall apply to veterinary clinics and animal hospitals permitted in zones other than A-1.

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- a. The practice shall be limited to small animals and shall include only dogs, cats and other household pets as patients.
- b. The operation shall be conducted in a completely enclosed and sound controlled building and in such a way as to produce no objectionable noise or odors outside the building. The building materials and methods of odor control shall be acceptable to the Commission as adequately reducing emitted noise and odors.
- c. Landscaping, screening and other aspects of the development shall conform with the applicable requirements of Chapter 8.

**C. Review process**

Veterinary clinics and small animal hospitals shall be permitted as specified in the applicable zone district.

**Section 92.05 Adult-Oriented Businesses** *(Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.)*

**A. Purpose and intent**

The purpose of this Section is to regulate Adult-Oriented Businesses in order to protect the health, safety and welfare of the community from the harmful secondary effects brought about by the unregulated operation of Adult-Oriented Businesses. These secondary effects include, but are not limited to: depreciation of property values; increased vacancy rates in residential and commercial areas; increased criminal activity; increased litter, noise, and vandalism; and interference with the enjoyment of residential property in the vicinity of such businesses. The provisions of this Section have neither the purpose or intended effect of: (1) imposing a limitation or restriction on the content of any communicative material; (ii) denying access by adults to adult-oriented materials protected by the First Amendment to the U.S. or State

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Constitutions; or (iii) denying access by distributors or exhibitors of adult-oriented materials or entertainment to their intended market.

### **B. Definitions**

For the purposes of this Section, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

1. **Adult-Oriented Businesses.** "Adult-Oriented Businesses" means any of the following:
  - a. **Adult arcade.** The term "adult arcade" as used in this section, is an establishment where, for any form of consideration, on or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  - b. **Adult bookstore, adult novelty store, adult video store.** The terms "adult bookstore," "adult novelty store," or "adult video store" as used in this section, is an establishment that has thirty (30) percent or more of its stock in books, magazines, periodicals or other printed matter, adult-oriented merchandise or of photographs, films, motion pictures, video cassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas. An adult bookstore, adult novelty store, or adult video store shall not include mail order businesses or wholesale businesses with no patrons on the premises.



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- c. Adult cabaret. The term "adult cabaret" as used in this section, means a nightclub, restaurant, or similar business establishment which: (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- d. Adult hotel/motel. The term "adult hotel/motel" as used in this section, means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a ten (10) hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.
- e. Adult motion picture theater. The term "adult motion picture theater" as used in this section, is a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

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- f. Adult theater. The term "adult theater" as used in this section, means a business establishment which, for any form of consideration regularly features live performances, for an audience on the premises, which performances either: (1) are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities; and/or (2) regularly featured entertainers who appear semi-nude. *(Zoning Ordinance Amendment 97-6 adopted by City Council October 9, 1997.)*
  - g. Modeling studio. The term "modeling studio" as used in this section, means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, or on a voluntary basis, figure models who, for the purposes of sexual stimulation of patrons, appear either nude or semi-nude or display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons on the premises. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities". *(Zoning Ordinance Amendment 97-6, adopted by City Council October 9, 1997.)*
- 2. Adult-Oriented merchandise. The term "Adult-Oriented Merchandise" as used in the section, means sexually oriented implements or paraphernalia, such as, but not limited to: dildos; auto sucks; adult-oriented vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar adult-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

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3. Church. The term "church" as used in this section, is a structure which is used primarily for religious worship and related religious activities.
4. Distinguished or characterized by an emphasis upon. As used in this section, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal. App. 3 151 (1981).
5. Establishment of an Adult-Oriented Business. As used in this section, to "establish" an Adult-Oriented Business shall mean and include any of the following:
  - a. The opening or commencement of any Adult-Oriented Business as a new business;
  - b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
  - c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
  - d. The relocation of any such Adult-Oriented Business.

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6. Park. As used in this section, the term "park" means a park, trail, recreation center, sports complex, golf course or athletic field within the City which is under the control, operation or management of the City or other public agency. (*Zoning Ordinance Amendment 97-6, adopted by City Council October 9, 1997.*)
7. Regularly Features. The term "regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred and eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
8. School. The term "school" as used in this section, is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.
9. Semi-nude. As used in this section, the term "semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.



10. Specified anatomical areas. As used in this section, "specified anatomical areas" shall mean and include any of the following:
  - a. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breast below a point immediately above the top of the areola;
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
  - c. Any device, costume, or covering that simulates any of the body parts included in subdivisions (a) or (b) above.
11. Specified sexual activities. As used in this section, "specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:
  - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
  - b. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
  - c. Masturbation, actual or simulated;
  - d. Excretory functions as part of or in connection with any of the other activities described in subdivision (a) through (c) of this subsection.
12. Substantially Enlarged. The term "substantially enlarged" as used in this section means the increase in floor area occupied by an Adult-Oriented Business by more than ten percent (10%) of its floor area as it existed at the time an Adult-Oriented Regulatory Permit was issued for the business.

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**C. Development standards**

**1. Location Requirements**

- a. An Adult-Oriented Business shall not be established or located in any zone of the City other than the Service Commercial (C-5) and Light Industrial (M-1) Zones and shall not violate any of the following separation requirements:
  - (i) The Adult-Oriented Business is not proposed to be within 1,000 feet of any other Adult-Oriented Business located within or outside of the City; and
  - (ii) The Adult-Oriented Business is not proposed to be within 1,000 feet of any residential use or zone located within or outside of the City; and
  - (iii) The Adult-Oriented Business is not proposed to be within 1,000 feet of any park, church, school or primary alcohol use, excluding convenience stores, located within or outside of the City.
- b. The distances set forth above shall be measured as a straight line from the primary entrance of the Adult-Oriented Business to the property line of the property so used without regard to intervening structures.

**D. Review process**

- 1. Adult-oriented businesses shall be subject to Site Plan Review approval in accordance with Article 21, where permitted by the Zoning Ordinance.

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2. Notwithstanding the provisions of Section 20.07 of this Ordinance, the reviewing authority shall hold a hearing on an application for a Site Plan Review for an adult oriented business within four (4) months of the date the application is deemed complete and shall make a decision on the application within five (5) months of the date the application is deemed complete, unless an extension to these time limits is agreed to in writing by the applicant. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**E. Required findings for approval**

Notwithstanding the provisions of Section 21.05 of this Ordinance, the reviewing authority shall approve a Site Plan Review for an adult-oriented business if the reviewing authority is able to make affirmative findings based on all of the following criteria:

1. The structure in which the proposed use will occur and the site plan for the property are consistent with the General Plan and either comply with or are concurrently conditioned to comply with the location standards and development and performance standards set forth in this Section;
2. The proposed site and use will be in compliance with all other objective development requirements as set forth in this Ordinance and in Chapter 5.04 of the Palmdale Municipal Code, to the extent such requirements are not in conflict with the provisions of this Section 92.05.

**F. Existing Adult-Oriented Businesses.**

1. Any Adult-Oriented business lawfully operating on the effective date of this section in violation hereof shall be deemed a non-conforming use.

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2. Any Adult-Oriented business lawfully operating on the effective date of this section which becomes non-conforming due to the location criteria enumerated in Paragraph C shall cease operation, or otherwise be brought into full compliance with the location criteria of this section, not later than twenty (20) years following the effective date of those criteria.
3. Any Adult-Oriented business lawfully operating on the effective date of this section which becomes non-conforming due to either the design or performance standards enumerated in Paragraph I of Section 5.04.400 of the Palmdale Municipal Code shall cease operation, or otherwise be brought into full compliance with said design standards and performance standards, not later than one (1) year following the effective date of this section.
4. Any Adult-Oriented business lawfully operating on the date of being annexed by the City which becomes non-conforming due to the location criteria enumerated in Paragraph C shall cease operation, or otherwise be brought into full compliance with the location criteria of this section, not later than twenty (20) years following the effective date of those criteria.
5. Any Adult-Oriented business lawfully operating on the date of being annexed by the City which becomes non-conforming due to either the design or performance standards enumerated in Paragraph I of Section 5.04.400 of the Palmdale Municipal Code shall cease operation, or otherwise be brought into full compliance with said design standards and performance standards, not later than one (1) year following the effective date of this section.



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6. An Adult-Oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of: (i) a residential use or zone within 1,000 feet of the Adult-Oriented business; or (ii) a park, church, school or primary alcohol use, excluding convenience stores, within 1,000 feet of the Adult-Oriented business. This exemption shall only apply if the Adult-Oriented business is continuous, which means that interruptions cannot exceed six (6) months.

**Section 92.06 Reserved** *(Zoning Ordinance Amendment 97-4 adopted by City Council June 11, 1997.)*

**Section 92.07 Alcohol-Related Establishments** *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for off-sale and on-sale alcohol-related establishments by ensuring that such businesses are appropriately located, so as not to pose a significant threat to the public peace, health, safety and welfare by encouraging: an undue concentration and proliferation of alcohol-related establishments in areas of the City; crime including loitering, littering, property defacement, and drunk driving; and adverse impacts to adjacent and nearby uses such as schools, places of worship, parks, day care facilities and residential uses.

B. Definitions

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

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**Bars and Cocktail Lounges** shall mean an establishment in which the primary use is the sale of alcoholic beverages for consumption on-site and which requires an Alcoholic Beverage Control License (type 40, 41, 42, 48 or 61) and which does not meet the definition of a Bona Fide Restaurant.

**Liquor Store** shall mean an establishment in which the primary use is the sale of alcoholic beverages for consumption off-site and which requires a State Alcohol Beverage Control License (type 20 or 21).

**Off-Sale Alcohol Establishment, incidental** shall mean those establishments required to obtain a State Alcohol Beverage Control License (type 20 or 21) and in which less than twenty (20) percent of the gross floor area is utilized for the sale, display and storage of beer, wine and/or distilled spirits for consumption off-site. This definition shall not include full service food markets and drug stores which allocate less than ten (10) percent of the gross floor area to alcohol sales, and Convenience Stores.

**Off-Sale Alcohol Establishment, primary** shall mean those establishments required to obtain a State Alcohol Beverage Control License (type 20 or 21) and in which twenty (20) percent or more of the gross floor area is utilized for the sale, display and storage of beer, wine and/or distilled spirits for consumption off the premises, unless otherwise stated herein. Typical uses include but are not limited to wholesale or retail Liquor Stores. For the purpose of this ordinance, any Convenience Store which sells alcoholic beverages shall be considered a Primary Off-Site Alcohol Establishment, regardless of the amount of floor area designated for sale and storage of beverages containing alcohol.

**On-Sale Alcohol Establishment, incidental** shall mean those establishments required to obtain an State Alcohol Beverage Control License (type 40, 41, 42, 47, 48, 51, 52, or 63) and in which less than twenty (20) percent of the gross floor area is utilized for the sale and storage of beer, wine, and/or distilled spirits for consumption on-site. The gross floor area shall include any bar service area(s), associated seating area(s), dance floor area(s) and storage area(s). This definition shall not include Bona Fide Restaurants.

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**On-Sale Alcohol Establishment, primary** shall mean those establishments required to obtain a State Alcohol Beverage Control License (type 40, 41, 42, 47, 48, 51, 52 or 63) and in which twenty (20) percent or more of the gross floor area is utilized for the sale and storage of beer, wine, and/or distilled spirits for consumption on-site. The gross floor area shall include any bar service area(s), associated seating area(s), dance floor areas(s) and storage area(s). Typical primary on-sale alcohol establishments include but are not limited to Bars and Cocktail Lounges.

**Restaurant, Bona Fide** shall mean an establishment which is regularly and in a Bona Fide manner used and open for the serving of meals to guests for compensation and which has adequate kitchen facilities for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for the keeping of food on the premises and must comply with all the regulations of the local department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the sole service of such food as sandwiches or salads shall not be deemed in compliance with this requirement. Any public eating establishment that satisfies the foregoing criteria but has areas designated for uses other than food preparation or consumption such as a bar areas, billiards, dance floors, etc., in excess of twenty (20) percent of the total floor area, shall not be deemed a Bona Fide Restaurant.

C. Development standards

In addition to compliance with all other applicable statutes, ordinances and regulations, the following regulations shall apply to new alcohol-related establishments:

1. An interior floor plan of the proposed establishment drawn to scale indicating the total gross floor area of the establishment and the percentage of floor area devoted to alcohol sales shall be submitted with the appropriate development application. The percentage of gross floor area for alcohol sales shall be calculated based on following criteria:



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- a. Off-sale alcohol-related establishments. The percentage of gross floor area devoted to alcohol sales shall include any areas utilized for the sale, storage or display of alcoholic beverages.
  - b. On-sale alcohol-related establishments. The percentage of gross floor area devoted to alcohol sales shall include any bar service area(s), associated seating area(s), dance floor(s) and storage area(s).
2. A vicinity map indicating the location of the proposed alcohol-related establishment and the distance separation from those adjacent uses as specified in Sections 92.07.D.1. and 92.07.E.1 shall be submitted with the appropriate development application.

**D. Off-Sale and On-Sale Primary Alcohol-Related Establishments**

1. New primary alcohol-related establishments are to be separated from existing sensitive and similar uses based on the standards specified below. Should the Commission determine that special circumstances exist which warrant the increase of these distance requirements, they shall have discretion to modify these minimum distance standards accordingly.

Places of Worship	500'
*High Schools	500'
*Junior High Schools	500'
*Elementary Schools	500'
Day Nurseries, Children	500'
Public Parks	500'
**Residential	300'
Existing Incidental Alcohol-Related Uses	300'
Existing Primary Alcohol-Related Uses	500'
Sexually Oriented Businesses	1000'



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\*Includes both existing school facilities and undeveloped school sites as identified by the applicable School District.

\*\*Includes both existing residential uses and areas designated for future residential land uses on the General Plan Land Use Map.

For purposes of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or suite wall where a primary alcohol-related use is proposed to be conducted, to the nearest building or suite wall of an existing use or nearest property line if there is no structure, or as specified in above Section 92.07.D.1. For school uses, the distance shall be measured from the nearest portion of the building or suite wall where the alcohol-related use is proposed to the nearest property line of an existing or future school site.

2. The requirements of this Section shall apply to all new primary alcohol-related establishments or a reissue of a alcohol license which has been expired for over 180 days. "New" uses does not include a change in the type of license or an interior remodel that does not involve an expansion of use.
3. Review process
  - a. New primary alcohol-related establishments shall be subject to Conditional Use Permit approval in accordance with Article 22, where permitted by the Zoning Ordinance.
  - b. In addition to the findings required for approval of a Conditional Use Permit pursuant to Article 22, as well as any other applicable findings, the Planning Commission shall find that the proposed

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alcohol-related use will not adversely affect the health, safety or welfare of adjacent residents and will not result in an undue concentration of alcohol-related establishments.

**E. Off-Sale and On-Sale Incidental Alcohol-Related Establishments**

1. New incidental alcohol-related establishments shall be separated from sensitive and like uses as based on the following standards:

Places of Worship	500'
*High Schools	500'
*Junior High Schools	500'
*Elementary Schools	500'
Day Nurseries, Children	500'
Public Parks	500'
**Residential	300'
Existing Alcohol-Related Uses	300'
Sexually Oriented Businesses	1000'

\*Includes both existing school facilities and undeveloped school sites as identified by the applicable School District.

\*\*Includes both existing residential uses and areas designated for future residential land uses on the General Plan Land Use Map.

For purposes of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or suite wall where an incidental alcohol-related use is proposed to be conducted, to the nearest building or suite wall of an existing use or nearest property line if there is no structure, or as specified in above Section 92.07.E.1. For school uses, the distance shall be

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measured from the nearest portion of the building or suite wall where the alcohol-related use is proposed to the nearest property line of an existing or future school site.

2. Any proposed incidental alcohol-related establishment unable to meet the minimum separation distance requirements shall be required to obtain a Conditional Use Permit and to meet the requirements of Section 92.07.D.
3. The requirements of this Section shall apply to all new incidental alcohol-related establishments or a reissue of a alcohol license which has been expired for over 180 days. "New" uses does not include a remodel of an existing use involving less than twenty (20) percent of the gross floor area or a change in the type of license.
4. Exceptions. The following uses shall be exempt from the requirements of Section 92.07: Bona fide restaurants, and full service food markets and drug stores which allocate less than ten (10) percent of the gross floor area for alcohol sales and storage.
5. Review process
  - a. New incidental alcohol-related establishments shall be subject to Site Plan Review approval in accordance with Article 21, where required by the applicable zone district. In addition to the findings required for approval of a Site Plan Review pursuant to Article 21, as well as any other applicable findings, the Planning Commission shall find that the proposed alcohol-related use will not adversely affect the health, safety or welfare of adjacent residents and will not result in an undue concentration of alcohol-related establishments.
  - b. When a new incidental alcohol-related use is proposed to be established in an existing building and does not constitute a change from the previous use of said building, the requirement for Site Plan Review may be waived by the Planning Director through

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issuance of a Zoning Clearance, pursuant to Chapter 2, Section 26.03.

**Section 92.08 Reserved** *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

### **Section 92.09 Convenience Stores**

#### **A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for convenience stores. The intent is to provide for convenience shopping needs of the surrounding neighborhoods and/or automobile users while preventing potential negative impacts relating to noise, traffic, visual appearance, health and safety, loitering, alcohol consumption, and blight on the property.

#### **B. General standards**

In addition to compliance with all other applicable statutes, ordinances and regulations, the following location and operation regulations shall apply to convenience stores where permitted by Conditional Use Permit:

1. No video or arcade type of games shall be installed or operated on the premises.
2. The site shall not have direct access on a residential collector or local residential street.
3. All signage shall comply with Article 88 of the Palmdale Zoning Ordinance. Temporary removable copy signs are expressly prohibited.
4. The premises shall be kept in a neat and orderly condition at all times.
5. Trash receptacles shall be provided at each building entrance and at convenient locations inside and outside of the convenience store.



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6. A bicycle rack shall be installed in a convenient location visible from the inside of the store.
  7. All public restrooms that are provided shall be accessible only from the inside of the store.
  8. Any security lighting, site lighting or illuminated signage shall be designed and/or directed so as not to adversely affect adjacent residential areas.
  9. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.
  10. Convenience stores which sell beverages containing alcohol shall comply with the requirements of Section 92.08.
  11. The minimum site area shall be ten thousand (10,000) square feet.
  12. Direct vehicular access shall be provided to any adjacent commercial development whenever possible. Joint entrances with adjacent commercial developments shall be considered in order to minimize the number of curb cuts.
- C. Standards for concurrent sales of alcohol and gasoline
1. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
  2. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
  3. No sales of alcoholic beverages shall be made from a drive-in window.
  4. No display or sale of beer or wine shall be made from an ice tub.

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5. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.
6. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell beer and wine.

**D. Review process**

Convenience stores shall be subject to Conditional Use Permit approval in accordance with Article 22.

**Section 92.10 Sales, Rental and Leasing of Vehicles, Recreational Vehicles, and Equipment**

**A. Purpose and intent**

These regulations establish specific standards for establishments engaged in the sales, rental or leasing of used automobiles and trucks; marine craft; recreational vehicles; motorcycles; mobile homes; and heavy equipment. The intent of these regulations is to prevent potential negative impacts relating to noise, traffic, visual appearance, health and safety.

**B. Development standards**

The above described uses shall conform to the following standards in addition to all other applicable standards and regulations:

1. The minimum site area shall be twenty thousand (20,000) square feet net.
2. Display areas, storage areas and customer parking areas shall be separated and clearly distinguished from each other.

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3. All parts and accessories shall be stored within a fully enclosed structure. No discarded parts or equipment or permanently disabled or wrecked vehicles shall be located on the premises other than within a fully screened storage area, and no such items shall project above the screen wall as seen from any public right-of-way or from any common or public areas of adjacent residential or commercial developments.
4. All permitted repair and servicing of merchandise and all equipment necessary for such service and repair shall be located entirely within a fully enclosed building. The openings to such repair facilities shall not face any arterial street, except that pedestrian opening may be allowed. Repair of mobile homes, trailers, campers, and other excessively large motorized vehicles not able to fit inside the repair structure may be allowed outside only when conducted within an area that is completely screened from public view.
5. Mobile home display areas must maintain a minimum setback of ten (10) feet between mobile homes, and shall have skirting installed on all sides of the mobile home which are visible from public view.
6. For those uses not authorized to utilize a trailer or a mobile home as an office, a permanent office structure as defined by the latest adopted version of the Building Code, containing no less than three hundred (300) square feet shall be constructed on the site.
7. All on-site parking and loading shall comply with Article 87.
8. All landscaping shall be installed and permanently maintained pursuant to the following standards in addition to the provisions of Article 86.
  - a. No less than fifteen (15) percent of the display area shall be permanently landscaped and provided with a permanent irrigation system. This landscaping shall be in addition to and shall not include the required landscaped setbacks.

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- b. A combination of berm-type landscaping, raised landscape planters and/or low-profile walls reaching a height of approximately thirty (30) inches but not exceeding thirty-six (36) inches shall be used to define the display and storage areas.

9. All on-site signage shall comply with the provisions of Article 88.

### C. Review process

Used automotive, marine craft, recreational vehicle, motorcycle, mobile home and heavy equipment sales, rental and leasing establishments shall be subject to Site Plan Review approval in accordance with Article 21 or to Conditional Permit approval in accordance with Article 22, as specified by the applicable Zone District.

### **Section 92.11 Service Stations (Automotive)/Auto Repair** *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

#### A. Purpose and intent

It is the purpose of these regulations to establish specific standards for automotive service stations and auto repair facilities. The intent is to prevent potential negative impacts relating to noise, traffic, visual appearance, health and safety. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

#### B. Development standards

Service stations and auto repair facilities shall comply to the following standards in addition to all other applicable requirements: *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

1. The minimum lot size shall be one (1) acre (gross).



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2. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
  - a. The dispensing of petroleum products, water, and air.
  - b. The provisions of emergency service of minor nature.
  - c. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed thirty two (32) square feet, and which must be screened from public rights-of-way.
3. The cashier location within a service station shall provide direct visual access to the pump islands and the vehicle parking adjacent to the islands. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
4. Interior drive aisles between pump islands shall be a minimum of 30 feet in width.
5. There shall be a minimum distance of one hundred fifty (150) feet between curb cuts along a street frontage.
6. The width of a driveway may not exceed thirty-six (36) feet at the sidewalk.
7. Outside storage of motor vehicles is prohibited.
8. No vehicles may be parked on sidewalks, parkways, driveways, or aisles.
9. No vehicle may be parked on the premises for the purpose of offering same for sale.
10. Landscaping shall comprise a minimum of fifteen (15) percent of the service station site area, exclusive of required setbacks, and shall be

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provided and permanently maintained according to the standards provided in Article 86 and as required by the reviewing authority. Landscaping for automobile repair facilities will be provided as required by the zone district in which the facility is located, as required by Article 86, and as required by the reviewing authority. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

11. Opening of service bays shall not face public rights-of way and shall be designed to minimize the visual intrusion onto adjoining properties.
12. No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles may be located in any required parking space, or in any open area outside the main structure. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
13. All light sources, including canopy, perimeter, and flood, shall be energy efficient, stationary, and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such high intensity as to cause a traffic hazard or adversely affect adjoining properties; the illumination level shall not exceed fifty (50) footcandles at any point on the site. No luminair shall be higher than fifteen (15) feet above the finished grade. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
14. Service station restroom entrances shall be concealed from view from adjacent properties or public rights-of-way by planters or decorative screening. Restrooms provided within auto repair facilities shall be accessed from the building interior only *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
15. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

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16. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.
17. Repair services within service stations shall be limited to Light or General Repair only (as defined in Section 16.01); heavy repair services within a service station shall require a Conditional Use Permit where permitted by the zone district. Auto repair facilities shall be subject to the development review process specified by the applicable zone district *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*
18. Signs shall conform to Section 88.10.J and other applicable sign provisions in Article 88.

C. Review process

Service stations and auto repair facilities shall be subject to Site Plan Review approval in accordance with Article 21 or to Conditional Permit approval in accordance with Article 22, as specified by the applicable zone district. *(Zoning Ordinance Amendment 95-6 adopted by City Council April 10, 1996.)*

**Section 92.12 Day Care, Commercial**

A. Purpose and intent

The purpose of these standards is to ensure that day care facilities are designed and constructed to provide quality care of the community's children in a safe and nurturing setting, in a location where the facility will not be adversely impacted by surrounding land uses.

B. Development standards

The following standards apply to any day care facility which is established as a primary commercial use or as an accessory use within a church or other social or

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community facility. Standards for large family day care are contained in Section 26.09.

### 1. Location:

- a. A day care facility shall be located no closer than three hundred (300) feet from any gasoline pump, underground gasoline storage tank, or any other storage of explosives or hazardous materials.  
*(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*
- b. A day care facility shall be located no closer than five hundred (500) feet from any primary or incidental alcohol-related use, as defined in Section 92.07.
- c. A day care facility shall be located no closer than one thousand (1,000) feet from any sexually-oriented or adult business as defined in Section 16.19.
- d. A day care facility shall not be located within any area subject to a Community Noise Equivalent Level (CNEL) of 65 or greater, or within an Airport Protection Zone, as depicted on the General Plan Maps.
- e. Except as an accessory use to serve employees on the site, a day care facility shall not be established in an industrial or manufacturing zone.
- f. In approving a location for a day care facility, the City shall evaluate any adverse effects which may impact children from excessive truck traffic, air emissions, noise, adjacent land uses or other environmental issues affecting the proposed site.



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2. Drop-off areas

- a. To provided for the safe pick-up and delivery of children, an area shall be provided on the site designated for this purpose which all have a minimum of one vehicle loading space per twenty (20) children.
- b. Drop-off zones shall be located near the facility entryway, in such a way that children will not have to cross the parking lot or any traffic areas to enter the building.
- c. Drop-off zones shall be located and designed so that there shall be no queueing of vehicles onto the adjacent street or right-of-way.
- d. A one-way circulation pattern is encouraged.

3. Play space

- a. A fenced outdoor play area shall be provided with a minimum area of seventy-five (75) square feet per child.
- b. Indoor play areas shall be provided with a minimum area of thirty-five (35) square feet per child.
- c. Restroom facilities shall be provided with a minimum of one toilet per fifteen (15) children.

4. Signage, landscaping, lighting, screening and trash enclosures shall be provided in accordance with Chapter 8.

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### **C. Review process**

Day care facilities shall be subject to Site Plan Review approval in accordance with Article 21 or to Conditional Permit approval in accordance with Article 22, as specified by the applicable zone district.

### **Section 92.13 Conversion of Residential Structures to Non-residential Uses**

#### **A. Purpose and intent**

The purpose of this section is to provide standards to ensure the orderly transition of areas from residential uses to non-residential uses such as office uses or certain retail uses.

#### **B. Development standards**

The following standards shall apply to any residential structure converted to a non-residential use:

1. If access drive to rear of lot is less than twenty (20) feet in width, a turnaround shall be provided for vehicles exiting the site, and clear sight shall be provided between the driveway and the rear of the lot.
2. A residential garage may be used to provide required on-site parking.
3. All structures used for commercial or institutional purposes shall be brought into conformance with the applicable requirements of the building code, fire department, Americans with Disabilities Act, health department, or any other applicable City, County, State or Federal provision.
4. Setbacks and yards established for the original structure may be deemed to meet setback and yard requirements for the Zone, provided that if the

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structures are non-conforming as to setbacks and yards, no additional encroachments into yard areas shall be allowed.

5. Any non-residential use shall be connected to a public sewer system.
6. Additional landscaping may be required to buffer the non-residential use from adjacent residential uses.

**C. Special sign requirements**

Because of the permitted mix of non-residential uses within an existing residential neighborhood, the following special sign requirements shall apply for as long as residential uses exist within three hundred (300) feet of a non-residential use.

1. No sign shall be internally illuminated.
2. No neon lighting shall be permitted.
3. Monument signs shall not exceed a height of four (4) feet or an area of thirty-two (32) square feet.
4. No painted window signs shall be permitted.

**D. Review process**

Conversion of a residential structure to a non-residential use shall be subject to Site Plan Review approval in accordance with Article 21 or to Conditional Permit approval in accordance with Article 22, as specified by the applicable zone district for the proposed use.

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### **Section 92.14 Massage as An Accessory Use** *(Zoning Ordinance Amendment 96-3 adopted by City Council January 8, 1997.)*

#### A. Purpose and Intent

It is the purpose of these regulations to establish specific standards for the provision of massage as an accessory use to a primary business. The intent is to provide for limited massage services in conjunction with other specific service and medical uses and to authorize corporate massage services to be provided for the employees of specified commercial or industrial businesses.

#### B. Development Standards

In addition to all other conditions and restrictions that may be imposed by statute, ordinance or regulation, the following requirements apply to massage as an accessory use.

##### 1. Massage as an Accessory Use.

##### a. Massage may be provided as follows:

- 1) As an accessory use in conjunction with an approved health club, athletic club, gym, hotel with one hundred or more rooms, beauty salon, barber shop or suntan parlor, when permitted in the zone district where the primary use is permitted.
- 2) As an accessory use in conjunction with an approved physician's, surgeon's, chiropractor's, osteopath's or physical therapist medical practice, when permitted in the zone district where the primary use is permitted.

- b. For the purposes of this section, an accessory use means a use where only one permitted massage technician is on-duty at any one time and which requires only one massage table or chair,



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provided that any such table conforms to the applicable provisions of Section 5.04.560.F(1)(h) of Chapter 5.04, Title 5, of the Municipal Code.

- c. For the purposes of accessory massage uses in conjunction with an approved physician's, surgeon's, chiropractor's, osteopath's or physical therapist's medical practice, massage treatments may only be provided for medical purposes to patients of that medical practice or patients of a different caregiver, on a referral or prescription basis only. In no event may massage services be provided on a walk-in, self-referral basis.
- d. Massage as an accessory use must be administered by a massage technician who has been issued a permit and a business license pursuant to Section 5.04.560 of the Municipal Code and who is in compliance with Section 5.04.560.J ("Massage Technicians-General Provisions") of that Code.
- e. The accessory massage use must be incidental to the primary business or business location, and the owner of the primary business is not required to obtain a separate massage establishment permit for this accessory use. The owner of the primary business is responsible for the massage activities of all massage technicians employed at the location and must comply with Section 5.04.560.F.1 subparagraphs (a) through (e), (g) and (h) and Section 5.04.560 subparagraphs (b) through (o) (Massage Establishment - Facility and Operating Requirements) of the Municipal Code.
- f. The business license relating to the primary use is subject to revocation if any of the massage activities are in violation of this section or in violation of any other conditions or restrictions that are imposed upon the primary use for the purpose of regulating massage as an accessory use.

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**2. Corporate Massage as an Accessory Use.**

- a. Corporate massage may be provided as an accessory use within an approved commercial or industrial business, for the employees of that business only, when corporate massage is permitted in the zone district where the primary use is permitted.
- b. For the purposes of this section, a corporate massage use means a use which requires only one chair to be utilized at any one time.
- c. Corporate massage must be administered by a massage technician who has been issued a permit and a business license pursuant to Section 5.04.560 of the Municipal Code and who is in compliance with Section 5.04.560.J (Massage Technicians - General Provisions) of that Code.
- d. The corporate massage service must be incidental to the primary business, and the owner of the primary business is not required to obtain a separate massage establishment permit for this accessory use. The owner of the primary business is responsible for the massage activities of all massage technicians employed or rendering services at the location and must comply with Section 5.04.560.F.1 subparagraphs (a), (c), (d) and (g) and Section 5.04.560.F.2 subparagraphs (c), (e) through (h) and (j) through (o) (Massage Establishment - Facility and Operating Requirements) of the Municipal Code.
- e. The business license relating to the primary use is subject to revocation if any of the massage activities are in violation of this section or in violation of any other conditions or restrictions that are imposed upon the primary use for the purpose of regulating massage as an accessory use.

**ARTICLE 93 INDUSTRIAL USES**

**Section 93.01. Dismantling, Junk and Salvage Yards**

A. Purpose and intent

It is the purpose of these regulations to provide standards for dismantling, junk and salvage yards. The intent is to ensure that such uses are compatible with the surrounding areas by preventing potential adverse health, safety, visual, and noise impacts.

B. Development standards

1. All operations or storage shall be conducted within an enclosed building or within an area completely enclosed with a solid masonry wall not less than eight (8) feet in height, except as otherwise approved by the reviewing authority based on a determination that adequate alternative screening is provided.
2. No storage shall be permitted at a height greater than that of the fence or wall enclosing the use.
3. The minimum site area shall be two and one-half (2-1/2) acres.
4. The site shall be dustproofed with an approved surface wherever the site is not paved or landscaped.
5. Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.
6. All hazardous materials resulting from the repair and dismantling operations shall be properly stored and removed from premises in a timely manner. Storage, use, and removal of toxic substances, solid waste,

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pollution, and flammable liquids, particularly gasoline, paints, solvents, and thinners, shall conform to the applicable federal, state, and local regulations, prior to issuance of Certificate of Occupancy.

7. The premises shall be kept in a neat and orderly condition at all times.

### **C. Review process**

Dismantling, junk and salvage yards shall be subject to Site Plan approval, pursuant to Article 21, or to Conditional Use Permit approval, pursuant to Article 22, as specified by the applicable zone district.

### **Section 93.02 Automobile Impound Yards**

#### **A. Purpose and intent**

It is the purpose of these regulations to provide standards for automobile impound yards. The intent is to ensure that such uses are compatible with the surrounding areas by preventing potential adverse health, safety, visual, and noise impacts.

#### **B. Development standards**

1. All operations or storage shall be conducted within an enclosed building or within an area completely enclosed with a solid masonry wall not less than eight (8) feet in height, except as otherwise approved by the reviewing authority based on a determination that adequate alternative screening is provided.
2. No storage shall be permitted at a height greater than that of the fence or wall enclosing the use.



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3. No automobile dismantling or junk and salvage operations shall be permitted, except as otherwise permitted in the zone in which the impound yard is established.

**C. Review process**

Automobile impound yards shall be subject to Site Plan Review approval according to Section 21 or to Conditional Use Permit according to Section 22, as specified by the applicable zone districts.

**Section 93.03 Personal Storage Facilities (Mini-Warehouses)**

**A. Purpose and intent**

It is the purpose of these regulations to provide standards for personal storage facilities. The intent is to ensure that such uses are compatible with the surrounding areas by preventing potential adverse health, safety, visual, and noise impacts.

**B. Development standards**

Personal storage facilities shall be subject to the following standards in addition to all other applicable standards and regulations:

1. The minimum site area shall be twenty thousand (20,000) square feet.
2. The site shall be entirely paved, except for structures and landscaping.
3. All on-site lighting shall be energy efficient, stationary, and directed away from adjoining properties and public rights-of-ways.
4. The site shall be completely enclosed with a six (6) foot high decorative masonry wall, except for points of ingress and egress (including

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### **INDUSTRIAL USES**

emergency fire access) which shall be properly gated. The gate shall be maintained in good working order and shall remain closed except when in use.

5. No business activity shall be conducted on the premises other than the rental of storage spaces for inactive storage use and the auction from time to time of abandoned property.
6. All storage shall be located within a fully enclosed structure(s).
7. No flammable or otherwise hazardous materials shall be stored on-site.
8. Residential quarters for manager and caretaker may be provided in the development.
9. The development shall provide for two (2) parking spaces for the manager or caretaker, and a minimum of five (5) spaces located adjacent or in close proximity to the manager's quarters for customer parking.
10. Aisle width shall be a minimum of twenty-six (26) feet between buildings to provide unobstructed and safe circulation.
11. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to 7:00 A.M. to 9:00 P.M., Monday through Saturday, and 9:00 A.M. to 9:00 P.M. on Sundays.

#### **C. Review process**

Mini-warehouse Storage Facilities shall be subject to Site Plan Review approval according to Article 21 or to Conditional Use Permit according to Article 22, as specified by the applicable zone district.

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PUBLIC AND INSTITUTIONAL FACILITIES**

**ARTICLE 94 PUBLIC AND INSTITUTIONAL FACILITIES**

**Section 94.01 Churches**

**A. Purpose and intent**

It is the purpose of these regulations to establish specific standards for churches. The intent is to preserve the integrity of residential and commercial areas by preventing negative health, safety, aesthetic, and traffic impacts, while allowing for establishment and operation of a church within the area.

**B. Development standards**

All churches shall comply to the following standards in addition to all other applicable statutes, ordinances, and regulations:

1. The minimum size of the lot or area shall be twenty thousand (20,000) square feet, except where such facility is to be located within an existing commercial development.
2. All structures shall conform to the applicable development standards of the zone and Chapter 8, standards including but not limited to, setbacks, height and lot coverage of the underlying zone; however, in no event shall a structure utilized for religious instruction, worship, guidance or other congregation of persons be located less than 20 feet from adjacent residentially designated parcels.
3. On-site landscaping shall be consistent with that prevailing in the neighborhood and shall be installed and maintained, pursuant to applicable City Ordinances. Landscaping should be incorporated to reduce visual and noise impacts on surrounding properties, through appropriate screening of parking lots and other areas as deemed appropriate.

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4. Outdoor activities may only be conducted between the hours of 8:30 a.m. and 8:00 p.m.. Any outdoor activities or events which include the use of tents or which provide amplified sound systems will require approval of a Temporary Use Permit.
5. Approval of a church pursuant to this Section does not permit any school, day nursery, kindergarten or any congregation of persons for purposes other than religious instruction, worship or guidance.

**C. Review process**

Churches shall be subject to Conditional Use Permit approval in accordance with Article 22, where permitted by the Zoning Ordinance.

**Section 94.02 Golf Courses**

**A. Purpose and intent**

These regulations establish specific standards for golf courses in order to prevent the creation of any nuisance or annoyance to the occupants of neighboring dwellings while allowing establishment and operation of golf courses and related facilities.

**B. Development standards**

Golf courses shall be constructed in the following manner:

1. Design and irrigation of the golf course shall incorporate the use of native and drought tolerant vegetation and other water conservation techniques.
2. Treated effluent shall be used for irrigation where available and feasible.



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3. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment.
4. All accessory facilities, including but not limited to, clubhouses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility and consistency with the overall golf course setting.
5. Lighting of any facilities including but not limited to driving ranges shall be directed away from residential areas and public rights-of-way and of an intensity appropriate to the given location and site characteristics.

**C. Review process**

Golf Courses shall be subject to Conditional Use Permit approval in accordance with Article 22, as specified by the applicable zone district.



**ARTICLE 95 COMMUNICATIONS AND UTILITIES**

**Section 95.01 Electric Distribution Substations**

A. Purpose and intent

It is the purpose of these regulations to provide standards for electric distribution substations that will ensure that such uses are compatible with the surrounding neighborhood by preventing adverse visual, health, safety, and other impacts on the surrounding properties and/or the community.

B. Development standards

1. Minimum lot or area size shall be as required by the underlying zone, but in no event less than five thousand (5,000) square feet.
2. Front yard setback shall be as required by the underlying zone, but in no event less than five (5) feet.
3. All buildings, structures and landscaping shall be compatible with the development of surrounding properties.
4. Landscaping walls and other methods as appropriate shall be developed and maintained in all required setback areas and where required to provide adequate screening of interior development in conformance with this Ordinance and as required by the reviewing authority.

C. Review process

Electric Distribution Substations shall be subject to Site Plan Review as required by Article 21 where permitted by the zone district.

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**Section 95.02 Satellite Dish Antennae**

**A. Purpose and intent**

It is the purpose of these regulations to provide standards for satellite dish antennae that will ensure that such uses are compatible with the surrounding neighborhood by preventing adverse health, safety, and other impacts on the surrounding properties and/or the community. Further, these regulations are intended to ensure that the installation, maintenance, or use of certain antennae used to receive video programming is not impaired. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)

**B. Development standards for residential and agricultural zones**

The installation of dish-type antennae may be permitted in all agricultural and residential zones in accordance with the following:

1. Number. A maximum of one (1) dish-type satellite antenna shall be permitted per site, in addition to permitted vertical antennae.
2. Size. The maximum diameter of the satellite dish antenna shall be twelve (12) feet;
3. Height. The maximum height of the satellite dish antenna shall be fifteen (15) feet measured from the grade to the highest point of the antenna. Roof mounted installations are permitted only if the satellite dish is less than 40 inches in diameter and the dish is mounted so that it does not extend above the roofline and is not visible from any public or private street. (*Zoning Ordinance Amendment 97-3, adopted by City Council September 10, 1997.*)
4. Setbacks. The following setbacks shall be required and shall be measured from the property line to the center of the satellite dish:
  - a. Minimum rear yard setback shall be ten (10) feet;



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- b. Minimum interior side yard setback shall be ten (10) feet;
  - c. Minimum street side yard setback shall be fifteen (15) feet;
  - d. No dish antenna shall be located within the front yard.
5. Screening. Satellite dish antennae shall be screened from view from any public street.

**C. Development standards for commercial and industrial zones**

The installation of dish-type satellite antennae may be permitted in all commercial and industrial zones in accordance with the following standards:

- 1. Dish-type antennae shall not be located within a required front or street side landscape area.
- 2. The proposed antenna shall be located, designed, and installed to minimize visibility from adjoining rights-of-way and properties.
- 3. Display of antennae on trailers or at other temporary locations on the site will be considered open display of merchandise and shall require visual screening.

**D. Review process**

An application for a satellite dish antenna shall be subject to the review and approval of the Planning Director and shall be approved if the application complies with the requirements contained in this Section.

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**E. Variances**

Notwithstanding the provisions of Section 23.06 of this Ordinance, a variance from the provisions of this Section may be granted by the Planning Director if necessary to allow the applicant to attain reasonable reception.

**Section 95.03 Vertical Antennae**

**A. Purpose and intent**

It is the purpose of these regulations to provide standards for residential vertical television or amateur radio antennae that will ensure that such antennae are compatible with the surrounding neighborhood by preventing adverse visual, health, safety, and other impacts on the surrounding properties and/or the community.

**B. Development standards for residential zones**

The installation of residential single-pole or tower, roof or ground mounted, television or amateur radio antennae may be permitted in all agricultural and residential zones in accordance with the following:

1. Height. Maximum height of the antennae shall not exceed seventy-five (75) feet measured from the grade to the highest point of the antenna. Maximum height of the active element of the antenna array shall be thirty (30) feet or less except as otherwise regulated by FAA or FCC.
2. Setbacks. The following setbacks shall be required measured from the closest point of the structure to the property line:
  - a. Minimum rear yard setback shall be ten (10) feet;
  - b. Minimum interior side yard setback shall be ten (10) feet;

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- c. Minimum street side yard setback shall be fifteen (15) feet;
  - d. No vertical antenna shall be located within the front yard.
3. Interferences. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g. television, radio, telephone, computer, etc.), unless exempted by Federal regulation.

C. Review process

Vertical antennae shall be subject to administrative approval in accordance with Article 26.

**Section 95.04 Communication Facilities**

A. Purpose and Intent

It is the purpose of these regulations to encourage and facilitate a wide variety of communication services and providers to serve businesses and citizens within the City of Palmdale. The City of Palmdale desires to avoid adverse health or aesthetic impacts on the community resulting from the unregulated proliferation of communication facilities throughout the City, and to ensure for the protection of the general health, safety, and welfare of the community and the integrity of public rights-of-way and assets. This ordinance is adopted to set forth the goals and policies of the City of Palmdale that will be used to regulate the permitting, installation, and operation of commercial communications services and facilities within the City. This ordinance is not intended to apply to satellite dish antennae which are regulated in Section 95.02 of the Palmdale Zoning Ordinance, or to vertical antennae which are regulated in Section 95.03 of the Palmdale Zoning Ordinance.

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**B. Permits Required**

1. Communication facilities are subject to permit review in all residential, commercial, industrial, and special zones according to the following:

<b>Zone</b>	<b>Minor Facility</b>	<b>Major Facility</b>
A-1	Administrative Approval*	Not Permitted
R-1	Administrative Approval*	Not Permitted
R-2	Administrative Approval*	Not Permitted
R-3	Administrative Approval*	Not Permitted
C-1	Administrative Approval*	Not Permitted
C-2	Administrative Approval*	Not Permitted
C-3	Administrative Approval*	Permitted with CUP Approval
C-4	Administrative Approval*	Permitted with CUP Approval
C-5	Administrative Approval*	Permitted with CUP Approval
M-1	Administrative Approval*	Permitted with CUP Approval
M-2	Administrative Approval*	Permitted with CUP Approval
M-3	Administrative Approval*	Permitted with CUP Approval
M-4	Administrative Approval*	Permitted with CUP Approval
PF	Administrative Approval*	Permitted with CUP Approval
QR	Administrative Approval*	Permitted with CUP Approval
OR	Administrative Approval*	Permitted with CUP Approval
C-D	Administrative Approval*	Permitted with CUP Approval

\* Administrative Approval may be given through approval of a Minor Modification or Minor Plot Plan review, depending on the proposal.

**C. Supplemental Information**

1. Permit applications for all communication facilities shall be accompanied by the following supplemental materials, unless waived by the Director of Planning:



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- a. A Preliminary Report that quantifies the project's electromagnetic frequency (EMF) radiation exposures and power levels, and compares them with adopted standards.
- b. A plan for the on-going security and inspection of the facility as applicable, which may include but not be limited to provisions for fencing, anti-climbing devices, elevated ladders on towers, and monitoring, to prevent unauthorized access and vandalism.
- c. An alternative site analysis to mitigate visual, land use, or environmental impacts, if required.
- d. A facilities propagation map to ensure that maximum utilization and efficient use of limited communications sites will be achieved. Such a map shall be at a scale no smaller than 1" = .5 miles and shall include the corporate boundaries of the City and the City's Sphere of Influence.
- e. For a proposed facility within the area affected by the Ari Installation Compatible Use Zone (AICUZ), a report demonstrating compliance with Joint Land Use Committee Policies, including siting and electronic signal interference considerations, and compliance with FAA Regulation 77 (Height and Obstruction Criteria).

**D. Development Standards**

In addition to compliance with all other applicable statutes, ordinance, regulations, and policies, the following regulations shall apply to all communication facilities as permitted in Section 95.04B of this article:

**1. Setbacks**

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- a. Setbacks shall be those specified for buildings within the respective zone district.
- b. Antenna structures or towers shall not be permitted to be placed in any front yard or street side yard.
- c. Antenna structures shall be located no less than 40 feet from any property zoned or legally used for residential use, unless such location is required for the proper operation of the system, based on the evidence and conclusions of a technical analysis supporting such precise placement.
- d. For antenna structures exceeding 160 feet in height, fall zones may not cross places of public assembly, such as churches or schools.
- e. Antenna structures exceeding 250 feet in height shall be required to have fall zones established that encompass a circular area from the base of the tower whose radius exceeds the height of the tower.
- f. A major facility shall be located at least seven hundred and fifty (750) feet from the nearest existing, legally established major facility (except in the event that such a facility is co-located with another facility).

**2. Height**

- a. The maximum height shall be that as specified for structures within the respective zone district. Heights not to exceed twenty feet in excess of the zone district height limit may be approved through CUP approval. Additional height may be granted if the approving authority determines that:
  - 1) No feasible alternate location or design is possible;

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- 2) That the increase in height is for community benefit; and
- 3) That there are circumstances that do not allow the antenna to meet the height standards for the respective zone district.

**3. Landscaping**

- a. Residential, Commercial, Industrial, Public Facilities zones - communication facilities shall contain landscape screening around the base of the antenna structure and any accessory structure. Landscaping shall consist of a combination of vines, ground cover, and trees of a minimum of 24-inch box size container at the time of planting.
- b. Agriculture, Open Space, Quarry, and Reclamation zones - Local native vegetation and/or drought tolerant imported stocks shall be used to achieve adequate screening of antenna structures and accessory buildings. Clearing of the site shall be limited to only that amount necessary to comply with fire department requirements.

**4. Fencing**

Communication facilities shall be screened and enclosed by use of the following materials:

- a. Where visible from freeways, arterial streets, or a less intensive land use district, wrought iron, decorative masonry block, or similar decorative materials or combination thereof shall be used.
- b. Where a communication facility site is adjacent to a residentially zoned district or legally in use for a residential purpose, a solid decorative block wall, a minimum six feet in height, shall be placed between the facility and the adjacent residential property.

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**5. Design Standards**

All Communication facilities shall be reviewed for applicable General Plan and Zoning Ordinance compliance, including but not limited to the following:

- a. A facility shall not create or increase non-conformances to the site, such as a reduction of required parking, landscaping, trash enclosures, loading zones, or other required site features.
- b. A facility shall conform to any specific plan, area plan, comprehensive development plan, or other applicable development guidelines.
- c. The height and mass of communication facilities should be the minimum necessary for the applicant's activity, commensurate with technical, safety, and visual considerations.
- d. Structures shall be located below or integral with the skyline wherever possible.
- e. Facilities that rise above the horizon line shall be painted in non-reflective blue or gray or other colors to blend with the surrounding environment as required by the reviewing authority.
- f. Microwave antennas shall be constructed of open mesh materials as opposed to solid materials.
- g. Antenna structures shall be finished in a neutral color to blend in with the immediate surroundings. Antennas mounted on buildings shall be of a color and finish that matches that of the building and shall be screened by radio frequency (RF) transparent materials that match the color and finish of the building.



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- h. Highly reflective surfaces conducive to glare will not be permitted.
- i. No form of advertising or identification will be permitted on the dish or supporting structure other than a manufacturer's identification tag.
- j. The display of any sign or other graphics on an antenna or support structure is prohibited except for public warning signs, which signs must be placed no higher than eight feet above the base of the antenna.
- k. Antennae and transmitter equipment on roof tops and projecting from walls shall be screened from view unless made an integral part of the design of the building. All antennae and architectural screening shall, to the extent possible, be compatible and integrated with the existing structure. The antenna and equipment building shall be located as far from the edge of the building as possible while still maintaining system performance.

**6. Construction Standards**

All communication facilities shall be reviewed for structural engineering, building, electrical, and fire code compliance, and other applicable construction standards. In addition, communication facilities shall comply with the following:

- a. Antennas and structures shall be designed and constructed to achieve all lateral load requirements contained in the Uniform Building Code (UBC).
- b. Any metallic support structures shall be bonded to a grounding rod.
- c. All wires, cables, and utility lines shall be placed underground, except cables attached flush to the surface of a building or to the

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structure of the antenna. All underground wires and utility lines shall follow the path of least damage.

- d. Equipment shall meet all manufacturer's specifications and all antennas and screens shall have an outer finish with fire-resistive and corrosive-resistant material.
7. Conformance with the City of Palmdale Municipal Code, Chapter 12.04 (Underground Utilities).

All communication facilities that are the subject of this Section 95.04, are determined to have the definition of "utility" as it is defined by Section 12.04.01 E of the Municipal Code, and shall be subject to the provisions of Chapter 12.04 of the Municipal Code, pertaining to underground utilities and encroachment into public rights-of-way.

E. Operational Requirements

1. Time Limits

The duration of the approval period for a major facility or a minor facility shall be ten (10) years. An extension of the approval of the permit may be granted by the reviewing authority. New conditions of approval may also be applied to an approval for extension, as may be deemed necessary based upon changing conditions or development in the surrounding area.

2. Subsequent EMF Report - A subsequent report shall be submitted within **six (6) months** that quantifies cumulative field measurements of electromagnetic frequency (EMF) radiation power densities and exposures from all antennas installed at or near the subject site. The report shall contain a comparison of the measured results within applicable FCC standards. Failure to prepare and submit the subsequent report by the applicant, or the determination of the City that the project

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does not meet applicable FCC standards, may constitute grounds for revocation of the use permit.

3. Permittees may be required to post a bond or other suitable security as a condition of the use permit to guarantee removal of discontinued, or abandoned facilities, and repair of damage to sites, including revegetation.

4. **Discontinued Use**

The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Director of Planning in writing in the event that use of the facility is discontinued for any reason. In the event that the discontinued use is permanent, the owner(s) and/or operator(s) shall promptly remove the facility, and repair any damage to the premises caused by such removal. All such removal, and repair shall be completed within ninety (90) days after the use is discontinued, and shall be performed in accordance with all applicable zoning and health and safety and codes requirements. For purposes of this paragraph, a discontinued use shall be permanent unless the facility is reasonably likely to be operative and used within the immediately following three-month period.

5. **Abandonment**

Antennas, towers, and accessory structures that have been determined to be inoperative or abandoned for a period of six (6) months shall be removed, unless a new application to re-establish two uses are filed with the City.

6. **Removal by City**

The City may remove an abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the

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premises as in appropriate to be in compliance with applicable code at any time: 1) after thirty (30) days following the notice of abandonment, or 2) following a notice of decision by the Director of Planning, subject to the owner/operator's right of appeal under the City of Palmdale Municipal Code. The City may, but shall not be required to, store the removed facility (or any part thereof). The owner of the premises upon which the abandoned facility was located, and all prior operators of the facility, shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefore is made. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.

**7. Penalties**

The operator of the facility, and the owner(s) of the premises upon which it is located shall be in violation of this Section for failure to timely comply with any requirements hereunder. Each such person shall be subject to penalties for each such violation, pursuant to the City of Palmdale Municipal Code.

**8. City Lien on Property**

Until the cost of removal, repair, restoration, and storage is paid in full, a lien shall be placed on the abandoned personal property and any real property on which the facility was located, for the full amount of the cost of removal, repair, restoration, and storage. The Director of Planning shall cause the lien to be recorded in the County of Los Angeles Recorder's Office.



**ARTICLE 96 HAZARDOUS WASTE FACILITIES**

**Section 96.01 Purpose and intent**

The purpose of this Article is to establish a uniform conditional use permit application and review process for hazardous waste facilities consistent with the Los Angeles County Hazardous Waste Management Plan and to ensure protection of the health, safety, welfare, quality of life, and the environment of the residents of Palmdale.

**Section 96.02 Definitions**

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

**Acutely Hazardous Waste.** Any hazardous waste classified as acutely hazardous by the State Department of Health Services as based on California State Health and Safety Code Section 25110.02.

**Applicant.** The individual or entity submitting an application for a hazardous waste facility to the City.

**City.** The area contained within the City's boundaries at the time an application is deemed complete.

**City Council.** The City Council of the City of Palmdale.

**Consultant.** An individual or an entity, or any individual employed by that entity, selected by the City to assist in the facility application review process.

**Department.** The Planning Department of the City of Palmdale.

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**Director.** The Director of the Planning Department for the City of Palmdale.

**Extremely Hazardous Waste.** Any hazardous waste, or combination of wastes, that upon human exposure, poses a substantial risk of death, disabling personal injury or serious illness, as defined in California State Health and Safety Code Section 25115.

**Facility.** A hazardous waste facility, including all contiguous land and structures used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste as defined in California State Health and Safety Code Section 25117.1.

**Facility Agreement.** A binding legal document serving as an attachment to the conditional use permit approved for a facility, which may be attached as a condition to the conditional use permit, and which includes the terms, provisions, and conditions necessary to protect the public health, safety and welfare, to protect the environment of the City, and to provide special benefits and remuneration to the City for the local costs associated with the operation of a facility.

**Hazardous Material.** Any material that, because of its quantity, concentration, or physical or chemical characteristics poses a significant hazard to human health and safety or to the environment if released into the work place or the environment, as defined in California State Health and Safety Code Section 25501(j).

**Hazardous Waste.** A waste or combination of wastes that poses a threat to human health or to the environment, as defined in California State Health and Safety Code Section 25117, or that is defined as a hazardous waste on the basis of criteria and guidelines developed pursuant to California State Health and Safety Code Section 25141.

**Hazardous Waste Facility.** An on-site or off-site hazardous waste facility as defined in California State Health and Safety Code Section 25117.1.

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**Immobile Populations.** Persons who cannot or should not be moved. Centers of immobile populations include, but are not limited to, schools, hospitals, convalescent homes, prisons, and facilities for the mentally ill.

**Incineration Facility.** A facility that uses thermal combustion processes to destroy or alter the character or composition of hazardous waste.

**Infectious Hazardous Waste.** Any of the wastes listed in California State Health and Safety Code Section 25117.5.

**Land Disposal Facility.** A facility that involves any placement of hazardous waste in or on the land, as defined in California State Health and Safety Code Section 25179.3(h).

**Land Use Application.** An application filed with the Director for a land use decision concerning a hazardous waste facility project.

**Land Use Decision.** A discretionary decision of the City Council, as defined in California State Health and Safety Code Section 25199.1(e).

**Local Assessment Committee.** A seven member public body appointed by the City Council to represent the interests of the community in the hazardous waste facility review process, as defined in California State Health and Safety Code Section 25199.7.

**Off-site Facility.** A facility which provides treatment, storage or disposal service to producers of hazardous waste other than those located at the site of the off-site facility, as defined in California State Health and Safety Code Section 25199.1(m). Generally, any facility which serves more than one producer of hazardous waste is an off-site facility.

**On-site Facility.** A facility which is located on the site of a producer of hazardous waste and that is used only by that producer, as defined in California State Health and Safety Code Section 25117.12.



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**One Hundred (100) Year Flood Prone Areas.** Areas which are prone to inundation by floods having a 100-year return period, and by flash floods and debris flows resulting from major storm events, including areas subject to flooding by dam or levee failure or by natural causes.

**Processed.** Any activity which alters the chemical or physical properties, or composition of a hazardous waste or material.

**Recycling Facility.** A facility that reclaims hazardous wastes for reuse.

**Residual Repository.** A land disposal facility that accepts only the solid residues resulting from the treatment of hazardous wastes in accordance with standards established pursuant to California State Health and Safety Code Section 25179.6, or that accepts hazardous organic waste that is stabilized, solidified or encapsulated.

**Storage Facility.** A facility which may legally store hazardous waste for specified time periods, as defined in California State Health and Safety Code Section 25123.3(a), (b) and (d).

**Thirty (30) Year Post-Closure Period.** The thirty year period, starting with the certification of the closure of the hazardous waste facility by the appropriate state and federal regulatory agencies, during which the facility owner must continue to maintain and monitor the hazardous waste facility site in compliance with the post-closure plan required by California State Health and Safety Code Section 25246.

**Transfer Station.** An off-site facility designed for the handling and storage of hazardous waste in order to facilitate transportation of the waste, as defined in California State Health and Safety Code Section 25123.3(c).

**Treatment Facility.** A hazardous waste facility that uses processes designed to alter the physical, chemical or biological character or composition of a hazardous waste, as set forth in California State Health and Safety Code Section 25123.5, except that the definition used in this Ordinance excludes thermal treatment combustion processes.



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**Section 96.03 Conditional Use Permit Requirements**

- A. No residual repository shall be permitted in the City. All other new facilities or expansions to existing facilities are to be considered discretionary land uses and will require a Conditional Use Permit pursuant to the requirements of this Article and Article 22 of this Ordinance. The Planning Commission shall act to recommend approval or denial to the City Council, who shall act to approve or deny the Conditional Use Permit.
- B. Off-site facilities shall be located in areas designated on the General Plan land use map for medium or heavy industrial use, except that transfer stations may be located in areas designated for light industrial use if all the findings set forth below are met:
  - 1. The proposed facility shall not be in substantial conflict with the City's General Plan.
  - 2. The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed facility shall be permitted where such use will adversely affect or be materially detrimental to said adjacent uses, buildings or structures.
  - 3. The site for a proposed facility shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as required by the Planning Commission, City Council or Local Assessment Committee as a condition in order to integrate said use with the uses in the neighborhood.
  - 4. The site for a proposed facility shall be served by highways or streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate, and to assure the safe transport of hazardous waste to the proposed facility.

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**Section 96.04 Application of the California Environmental Quality Act (CEQA)**

All applications for off-site facilities shall follow the procedures set forth in Public Resources Code Section 21000-21177. In addition, all applications shall comply with the following provisions:

- A. Except as otherwise noted, all facilities regulated under this Article of the Zoning Ordinance are "projects" subject to the provisions of State law including, but not limited to, the California Environmental Quality Act, the State CEQA guidelines and the City's CEQA guidelines.
- B. Review of facility applications will in general require development of an environmental impact report (EIR) unless the Director determines otherwise, by finding that the proposed facility meets all of the conditions set forth in Section 96.04.C.1. through C.3., below. Any proposed incineration facility will require development of an EIR. Health risk and environmental risk assessments must be conducted for any proposed off-site facility, and on-site incinerator facility, to the satisfaction of the Planning Director, Local Assessment Committee, Planning Commission and City Council, as based on well-defined and credible assumptions detailing the results of a "worst-case" scenario with regard to actual and potential threat to public health and safety and the environment.
- C. A negative declaration may be prepared for an on-site facility which does not include an incinerator, or for an off-site transfer station facility if the Director determines:
  - 1. The facility is sized to serve only the needs of local waste producers; and
  - 2. The facility will not accept acutely hazardous wastes, extremely hazardous wastes, infectious hazardous wastes, or wastes containing the constituents listed in the list of extremely hazardous substances prepared by the federal Environmental Protection Agency based on the requirements of Section 313 of the Superfund Amendments and Reauthorization Act of 1986; and

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3. The Director finds that the initial environmental study conducted pursuant to CEQA demonstrates that there is no potential significant impact to the environment, or to the public health and safety.
  4. The City shall be the lead agency for the review of all facility applications regulated by this Ordinance;
- D. An initial study shall be required for all hazardous waste facility applications.
- E. The Director may hire additional consultants to review the draft EIR and risk assessments, or any special studies, and the responses to public comments on these documents, and the proposed CEQA mitigation measures required by CEQA. The applicant shall reimburse the City for all such costs.
- F. All consultants will be selected by the City. The applicant will in no way be involved in the preparation of environmental documentation for the proposed facility, except to provide funding and any necessary data, and to provide public comments on the draft, as it chooses;

**Section 96.05 Applications**

All applications for land use decisions will be filed with the Director accompanied by the appropriate fees.

**Section 96.06 Fees**

The applicant will pay all costs related to City processing and review of the facility application, the preparation, review and administration of all documentation and programs prepared pursuant to the California Environmental Quality Act (CEQA), and all activities of the local assessment committee related to the facility application review and processing. All fees are payable to the Department, and are established by the Palmdale Fee Resolution. The applicant is responsible for any other fees not



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specifically identified in this Article or the Palmdale Fee Resolution which are necessary and associated with the review and processing of a facility application, as determined by the Director.

- A. The applicant shall pay in advance the complete estimated cost of processing the facility application.
- B. The applicant shall in addition provide in advance a minimum of thirty (30) percent of the EIR preparation costs to the City to defray the City's cost of providing an independent review by City staff of the EIR or the environmental documents.
- C. In accordance with the Palmdale fee resolution and at the request of the City, the applicant shall supplement, as necessary, the accounts established for the review and processing of a proposed hazardous waste facility, in order to ensure the City's recovery of all costs and staff time associated with reviewing and processing the application.
- D. The fees specified in the Palmdale Fee Resolution and in Section 96.06 of this Article are non-refundable unless the application is withdrawn by the applicant. In this case, up to 80 percent of the total fees paid may be refunded if no work has been performed in the review and processing of the application. In the event that such work has commenced by the City, the amount of the refund shall be further reduced by an amount equal to the proportion of work completed.

#### **Section 96.07 Local Assessment Committee**

A local assessment committee (LAC) will be formed for all proposed off-site facilities, and with the exceptions noted below, for all proposed on-site facilities. The role of the LAC is to review the application and the environmental documentation, to solicit public comments on the proposed facility application, and to recommend conditions to be attached to the conditional use permit. The conditions shall be written so as to compensate and mitigate the impacts that will be imposed by the facility on the



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community. Policies and procedures for establishing and administering the LAC are generally defined in Section 25199.7 of California State Health and Safety Code and are hereby incorporated by reference. In addition, the following provisions shall also govern this process:

- A. At the discretion of the City Council, and upon the recommendation of the Director, an LAC need not be formed for a proposed on-site storage or recycling facility which does not include an incinerator, or for any on-site facility for which an environmental impact report is not required.
- B. The LAC will provide comments to the Planning Commission and City Council on the initial study, the draft EIR, the health and environmental risk assessment, and any other necessary special studies required as a part of the facility application or associated environmental review.
- C. The LAC will hold public meetings in accordance with the provisions of the Ralph M. Brown Act with sufficient frequency to keep the public informed of the progress of LAC review and to solicit public comments on the proposed facility.
- D. The LAC may recommend to the City Council that a separate body act as a "standing committee" during the facility's operational life and closure period to promote ongoing communication between the applicant and the community, and to monitor the adherence of the applicant to its requirements.

**Section 96.08 Facility Agreement**

The facility agreement shall be a binding legal document serving as an attachment to the conditional use permit. The recommended conditions transmitted to the Planning Commission and the City Council by the LAC shall be comprised of a facility agreement documenting areas of both agreement and disagreement between the requests of the LAC and the responses of the applicant. In conducting the dialogue the LAC shall consider, at a minimum, all of the following as recommended conditions to the conditional use permit:

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- A. Development of environmental data to determine air, water, noise, cultural resource, biological, public facilities, slope, geotechnical, hydrology, traffic, aesthetics, soil and any other relevant conditions prior to commencement of facility operations.
- B. Ongoing or periodic environmental monitoring requirements including air quality and groundwater, and real-time continuous emissions monitoring for all incinerators. These requirements may be more stringent than those required by responsible agency permits.
- C. Limitations on the use of access routes to and from the facility by vehicles containing hazardous waste.
- D. Immediate notification to the City of any release to the air, water or soil, from an on-site or off-site facility, that is not specifically provided for in one or more operating permits.
- E. Provisions by the applicant of reduced cost waste management services for local hazardous waste producers, and consideration of such services for household hazardous waste producers.
- F. Submittal of quarterly reports to the Department, and to the standing committee if one is formed, providing at a minimum, data on the types and volumes of wastes received and managed, an update of all interactions with local, state and federal permitting agencies and any releases as identified in 96.08.D. above.
- G. Provision for the automatic shutdown of the facility in the event of earthquakes in excess of specified ground accelerations, fires and floods, and resumption of facility operations only following an inspection of the facility by one or more independent agencies which includes the City.
- H. Provisions for encouraging and protecting facility employees and members of the community that raise concerns regarding safe operation of the facility.

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- I. Provision for a periodic general review by the Planning Commission and/or City Council of the applicant's compliance with the facility use permit and the facility agreement, with provisions for modifying the existing conditions or adding new conditions, as appropriate.
- J. Full reimbursement by the applicant of any ongoing or periodic costs incurred by the City in monitoring or enforcing the facility agreement.
- K. Payment of all CEQA mitigation monitoring costs. Such costs shall include, but are not limited to, preparation and administration of a mitigation monitoring program for the proposed hazardous waste facility. Such program shall include, at a minimum, identification of:
  - 1. All required mitigation measures for stated environmental impacts, including the performance and compliance criteria;
  - 2. Methods by which the needed reporting or monitoring to verify compliance will occur;
  - 3. The individual or entity that will be responsible for conducting the required monitoring; and
  - 4. A schedule for when the monitoring and reporting will occur.
- L. Full reimbursement of all extraordinary costs incurred by the City related to provision of emergency or non-emergency services to the facility.
- M. Payment to the City to mitigate or compensate for any other impacts associated with the facility.
- N. Periodic payment into a fund to be used to address any contamination problems that may arise after the thirty (30) year post-closure period.



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- O. Provision for renegotiating the entire facility agreement and/or modifying specific provisions based on facility expansion or significant changes in facility operations, or introduction or discovery of new information not considered as a part of the original facility application.
- P. Provision for arbitration, including any associated costs, of any disputes that arise between the applicant and the City regarding the implementation of the facility agreement.
- Q. Provisions for ensuring that any future owners of the facility have the technical capability and experience and the financial resources, necessary to ensure the safe operation and closure of the facility, and have no serious violations of local, state or federal hazardous waste law as determined by City Council.
- R. If the applicant is the appealing party and if the state appeal board issues a final decisions reversing the City's land use decision in accordance with California State Health and Safety Code Section 25199.14, then the City will return the payment to the applicant.
- S. Such other conditions as will make possible the development of the proposed facility in an orderly and efficient manner, and in general accord with all elements of the General Plan and the intent and purposes of this Ordinance and the City Zoning Ordinance.

### **Section 96.09 Contents of Application**

Every application for a facility pursuant to this Article shall be made in writing to the Director on the forms provided by the Department, and must be in sufficient detail to facilitate thorough review by the Department. All applications shall be accompanied by the appropriate filing fees. An application shall include, but is not limited to, the following information:



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- A. Name and address of the applicant;
- B. Evidence that the applicant is the owner of the premises involved or that it has written permission of the owner to make such application;
- C. A plot and development plan drawn in sufficient detail to clearly describe the following:
  - 1. Physical dimensions of the property and structures;
  - 2. Location of existing and proposed structures, including elevations;
  - 3. Setbacks and landscaping;
  - 4. Methods of circulation and parking;
  - 5. Drainage patterns;
  - 6. Ingress and egress;
  - 7. Storage and processing areas;
  - 8. Proposed utilization of property;
  - 9. The distance from the facility property line to the nearest adjacent structure, and a description and location of such structure;
  - 10. The distance to nearest residences, to properties designated in the General Plan for residential use, to proposed or presently zoned residential areas and to immobile populations;
  - 11. Proximity of the proposed facility to the one hundred (100) year flood prone areas;

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12. Proximity of the proposed facility to any known active or potentially active earthquake faults as defined by the California State Department of Mines and Geology;
  13. The relationship of the proposed facility to all surface water bodies, and all known underground aquifers beneath the facility or beneath the ground adjacent to the facility;
  14. Topographic description and plotting of the property and surrounding area on a topographic map;
  15. A preliminary geological study of the property and surrounding area including data on the permeability of the substrata;
  16. Existing and proposed utilities which service or will be required to service the facility; and
  17. A radius and vicinity map including the project boundary.
- D. A list of adjacent property owners and a map indicating their location relative to the proposed facility;
- E. An environmental assessment questionnaire;
- F. A land use map;
- G. A grading plan;
- H. A title report completed within six (6) months of the date of facility application submittal;
- I. A legal plot map;

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- J. Identification of any other hazardous or solid waste facilities presently or in the past owned or operated by the applicant, with copies of all permits and a listing of regulatory and community contracts for each facility, with their affiliations and current phone numbers;
- K. Full disclosure of any past or present permit violations and any past or pending administrative, civil or criminal proceedings or litigation involving any facility in any location presently or in the past owned or operated by the applicant, or proposed for operation by the applicant;
- L. Disclosure of any past or present air, water, soil, or other property contamination that has resulted from any activity of the applicant, or that has occurred at any facility owned or operated by the applicant;
- M. Financial statements from the applicant including proposed means for financing development of the facility, and anticipated costs and revenues associated with operation of the facility;
- N. Detailed information regarding how the applicant will meet state pollution liability insurance requirements for sudden and non-sudden events, and state requirements for funding closure and post-closure costs;
- O. Identification of the amounts (in tons), sources and types of hazardous materials or wastes to be treated or stored at the proposed facility; the geographical location of the producers; the ultimate disposition of the wastes; and anticipated life of the facility. This information will be based on an actual survey of the industries to be served and be representative of the wastes that will be processed at the facility;
- P. Identification of the type(s) of processes that will be used at the facility. For any proposed facility other than storage or recycling, specification of whether any anticipated wastestreams meet the definition of "recyclable material" pursuant to California State Health and Safety Code Section 25120.5 or are listed by the state as recyclable wastes pursuant to California State Health and Safety Code

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Section 25175. If either of these conditions exist, an explanation of why these wastes should not be recycled shall be provided;

- Q. Identification of all waste water, treated and untreated, generated by the proposed facility, the method and place of final discharge, and a copy of the required state waste discharge permit pursuant to California State Water Code, Division 2, Chapter 4, Article 4, Section 13260, et seq., and national pollutant discharge elimination system (NPDES) permit applications, pursuant to 40 Code of Federal Regulations 122;
- R. A copy of the facility's hazardous materials storage permit application and business plan, pursuant to Section 2.20.140 of the Los Angeles County Code and California State Health and Safety Code Section 25503;
- S. An analysis of visual, noise, and any olfactory impacts associated with the proposed facility and recommended mitigation measures;
- T. An analysis of all anticipated air quality impacts associated with the proposed facility, including the effect of wind patterns at the site, proposed mitigation measures to ensure no degradation of air quality in the area, and a copy of all required permits from the South Coast Air Quality Management District, or any other agency;
- U. Identification of any rare or endangered species of plant or animals within the proposed facility site and recommended impact mitigation measures;
- V. Identification of any cultural resources located on the proposed facility site, including archaeological, paleontological and historical resources, and proposed mitigation measures to ensure no significant impact to cultural resources occurs;
- W. The results of preliminary studies of the impact of the proposed facility on real property values and local employment patterns;



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- X. A health and environmental risk assessment based on a worst case accident scenario resulting from an upset condition involving hazardous materials or wastes. If the proposed facility will include any hazardous materials or wastes listed on the United States Environmental Protection Agency's list of extremely hazardous substances (as per Federal Register Volume 52, No. 77, page 13,397), a risk management prevention program pursuant to Chapter 6.95, Article II, Section 25531 of the California State Health and Safety Code shall also be submitted. Mitigation measures for all potentially significant impacts shall be recommended. The proposed scope, protocol and methodology of the risk assessments will be submitted to the Director for approval prior to the initiation of the risk assessments;
- Y. A health and environmental risk assessment which analyzes, in detail, all possibilities and probabilities of accidents or spills involving hazardous materials or wastes to be used at the site, transportation related accidents from the points of origin to the facility, and any other probabilities requested by either the Director, the Planning Commission or the City Council. The proposed scope, protocol and methodology of the risk assessments will be approved by the Director prior to starting the necessary work. Such analyses shall identify mitigation measures to reduce the identified risks. The risk assessment shall identify the transportation routes which will yield the least risk of accident and environmental impact resulting from trucks hauling hazardous wastes to the proposed facility;
- Z. A business plan pursuant to Chapter 6.95, Article I, Section 25500 of the California State Health and Safety Code shall be submitted which includes a plot plan of the proposed facility, an inventory of chemicals to be used and an emergency response plan. At a minimum, such emergency response plan shall be consistent with any and all applicable City, County, and regional emergency response plans and all City, County, State and Federal regulatory requirements regarding emergency response procedures;
- AA. A plan that identifies an ongoing monitoring program of air, soil, groundwater, and other environmental systems. This plan will include any monitoring

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requirements imposed by other permitting agencies such as, but not limited to, the South Coast Air Quality Management District, the Regional Water Quality Control Board and the State Department of Health Services;

- BB. Documentation of how the proposed facility will serve the needs of local producers of hazardous waste, including household hazardous wastes;
- CC. All applications will contain a designation of at least two (2) reasonable alternative sites which will be reviewed pursuant to the California Environmental Quality Act.
- DD. An application for an off-site facility must include a detailed proposed public education and participation program to be employed during the local land use decision-making process and is subject to review and approval by the Director.

### **Section 96.10 Determination of Completeness and Processing Off-Site and On-Site Hazardous Waste Facility Applications**

All applications for off-site hazardous waste facilities shall follow the procedures detailed below in addition to those set forth in California State Health & Safety Code Section 25199 et seq. and Government Code Section 65920 et seq. All applications for on-site hazardous waste facilities shall follow the procedures detailed below in addition to those set forth in Government Code Section 65920 et seq.

- A. The Director has thirty (30) working days to make a determination that an application is complete for filing purposes.
- B. Within ninety (90) days after the application is deemed complete, the Planning Commission will hold a hearing on the application for an on-site hazardous waste facility.
- C. A public hearing on the proposed facility will be set for the Planning Commission when:

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1. The Director has determined that the application complies with all Zoning Ordinance requirements; and
  2. All procedures required by the City with regard to the California Environmental Quality Act have been met.
- D. Not later than one (1) month prior to a public hearing on the proposed facility, the applicant will provide three (3) sets of mailing labels indicating all owners of record as shown on the latest County Equalized Assessment Roll that lie within a two thousand (2,000) foot radius of the boundary or land owned by the applicant, and three (3) sets of mailing labels indicating all residents, tenants, and businesses within a two thousand (2,000) foot radius of the boundary or land owned by the applicant.

**Section 96.11 Determination of Consistency**

At the request of the applicant the City Council will within sixty (60) calendar days after the application has been deemed complete, issue an initial written determination on whether a proposed off-site facility serving more than one producer of hazardous waste is consistent with the City General Plan, applicable zoning ordinances, and adheres to the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City's CEQA Guidelines.

- A. The determination will not prohibit the City from making a different determination when the final decision is made if such decision is based on information which was not considered when the initial determination was made.
- B. The application must be consistent with the policies and procedures of this Ordinance, the City's ongoing hazardous waste management planning efforts and the Los Angeles County Hazardous Waste Management Plan.



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### **Section 96.12 Standards and Locational Criteria**

All proposed off-site and on-site hazardous waste facilities shall comply with the following provisions:

- A. Proposed off-site facilities shall comply with each of the siting criteria specified in Appendix 6A, Volume III of the Los Angeles County Hazardous Waste Management Plan.
- B. At the discretion of the Director, proposed on-site facility applications shall also be made subject to specific siting criteria contained in the Los Angeles County Hazardous Waste Management Plan referenced in Section 96.12.A of this Article.
- C. In evaluating applications for both proposed off-site and on-site facilities, the following County criteria referenced in paragraph "A" of this Section shall be given the greatest weight, along with protecting the public health, safety, welfare and the environment: proximity to populations, proximity to active or potentially active faults, groundwater supply wells and well fields, aquifer recharge areas, protection of cultural resources, proximity to habitats of threatened and endangered species, changes in real property values, preservation of air quality and all criteria related to ensuring the safe transportation of hazardous waste.

### **Section 96.13 Safety and Security**

- A. The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons, livestock, or wild animals onto any portion of the facility. At a minimum, signs with the legend "DANGER! HAZARDOUS WASTE AREA - UNAUTHORIZED PERSONNEL KEEP OUT," will be posted at each entrance to the facility, and at a minimum, shall be posted on the outside of the required perimeter fence. Minimum spacing requirements for such signage shall be determined at the time of facility application review.



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The legend shall be written in English and Spanish, and shall be legible from a distance of at least twenty-five (25) feet.

- B. The operator will provide a 24-hour surveillance system which continuously monitors and controls entry onto the facility.
- C. Perimeter fencing will be constructed.

**Section 96.14 Monitoring**

- A. For the purpose of ensuring compliance with all standards, conditions, and other requirements of an approved facility permit which the City is authorized to enforce, City officials or their designated representatives may at any time enter the premises for which a hazardous waste facility permit has been granted.
- B. The owner or operator of a facility will report quarterly to the Director the amount, type, and disposition of all wastes handled or processed by the facility. Included in the report shall be copies of all manifests produced within each quarter identifying the hazardous waste producers using the facility, and the types of hazardous wastes delivered to the facility, and include a map showing the exact location (coordinates and elevation) of quantities and types of wastes treated or stored at the facility.
- C. The owner or operator of a facility shall immediately send copies of all complaints related to facility operations and copies of all inspection reports and documentation of any other regulatory action including correspondence made by other local, state, or federal agencies to the Director within three (3) working days of receipt of such complaint, report, or other documentation.

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**Section 96.15 General Conditions**

- A. The City may impose, as necessary, conditions and standards other than those presented in this Article, in order to achieve the purposes of this Ordinance and to protect the health, safety, or general welfare of the community and the environment.
- B. Any modifications of the types and quantities of hazardous wastes to be managed at the proposed facility or significant modifications to the processes employed at the facility which were not considered in the original facility approval by the City, shall be presented to the Director in writing before such modifications commence at the facility. Proposed modifications may, at the discretion of the Director, result in modification or revision of the facility use permit, or may require a new facility use permit.
- C. Every facility shall have an emergency response contingency plan prepared pursuant to California Health and Safety Code Section 25503.5, and approved by the Los Angeles County Fire Department. A copy of the contingency plan shall be maintained at the facility and sent to the local police department, fire department, hospitals, and the Los Angeles County Department of Environmental Health. Proof of such distribution shall be provided to the Department prior to the issuance of a Certificate of Occupancy.
- D. The applicant shall, prior to any City public hearing on a facility application, submit to the Department a written closure plan prepared pursuant to California Health and Safety Code Section 25246, and approved by the Department of Health Services. All revisions to such closure plan shall also be submitted to the Department within three (3) working days of the approval of said revisions.
- E. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide proof to the satisfaction of the Department that it has met all of the financial responsibility requirements imposed by the Department of Health Services and any other federal or state agency.

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- F. The applicant agrees to indemnify, defend, and hold harmless the City, the Planning Commission, the City Council, the LAC, and all officers, employees and agents of the City against and from all claims, actions, or liabilities relating to the land use decision or arising out of its implementation at the facility location.

**Section 96.16 Findings**

- A. The following findings will be made in writing prior to the approval of a proposed facility:
1. The proposed facility is consistent with the City's General Plan and Zoning Ordinance, and with the Los Angeles County Hazardous Waste Management Plan.
  2. The proposed facility will not be detrimental to the health, safety, or general welfare of the community or to the environment. The Commission shall deny the requested conditional use permit where the findings indicate, and the City Council determines, that the applicant has failed to show that the requested use will not jeopardize, adversely affect, endanger or otherwise constitute menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use, and reasonable restrictions or conditions to permit the establishment of the proposed use will not prevent detriment or menace as indicated.
  3. The conditions recommended by the LAC, including those not agreed to by the applicant, were considered by the Planning Commission and City Council.
  4. The past and present activities of the applicant have not resulted in any serious regulatory violations or contamination problems.



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5. The proposed facility is or will be served by roads and all other necessary public and private service facilities and utilities. The circulation features serving the proposed facility are adequate in width and location, and are improved and located in such a manner as to provide for the safe transport of hazardous wastes to the proposed facility.
6. The proposed facility has met or exceeded each requirement of this Ordinance.
7. Health risk and environmental risk assessments have been conducted for the proposed off-site facility or proposed on-site facility as required by the Department based on well-defined and credible assumptions detailing the results of a "worst-case" scenario as well as all other possible or probable accidents or spills at the proposed facility, which address both the potential threat to public health, safety and the environment posed by the proposed facility.
8. The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed facility shall be permitted where such use will adversely affect or be materially detrimental to said adjacent uses, buildings or structures.
9. The site for a proposed facility shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as required by the City Council as a condition in order to integrate said use with the uses in the neighborhood.
10. All potentially significant environmental impacts identified in the Environmental Impact Report or Negative Declaration have been fully analyzed, and appropriate mitigation measures have been developed and applied where necessary, and incorporated into a mitigation monitoring program, pursuant to the California Environmental Quality Act of 1970, as amended.



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**Section 96.17 Duration of Land Use Decision**

- A. The duration of the land use decision will be determined at the time of approval and will not exceed ten (10) years. The applicant will commence substantial construction of the facility within two (2) years of the land use decision and such construction shall be pursued diligently to completion.
- B. Failure to comply with the conditions contained in the conditional use permit, to implement the required CEQA mitigation strategies or provisions of this Ordinance, or to abide by the provisions of the facility agreement will be considered grounds for permit review and revocation at the discretion of the City Council. Permit revocation will follow the procedures set out in the City Zoning Ordinance.



**ARTICLE 97 RECYCLING FACILITIES**

**Section 97.01 Purpose**

The purpose of this article is to provide standards that will ensure adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses, in order to encourage diversion of solid waste by facilitating source reduction, recycling, and composting activities.

**Section 97.02 General Development Standards**

All recycling facilities, as defined in Section 16.18, are subject to the following general requirements:

- A. The City may specify what types of materials could be stored or processed and in what quantities;
- B. Material shall be stored inside containers or inside the mobile vehicles. No outside storage shall be allowed.
- C. Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain or wind, which might rendered the collected materials unmarketable;
- D. The design and construction of recycling areas shall not jeopardize security of any recyclable materials placed therein;
- E. The recycling facility shall be constructed and maintained of durable waterproof and rustproof material;
- F. Collection containers, site fencing, and signage shall be of such color and design so as to be compatible with the surrounding uses and neighborhood;

## **CHAPTER 9 ARTICLE 97 RECYCLING FACILITIES**

- G. Driveways, and/or travel aisles shall provide unobstructed access for collection vehicles and personnel in conformance with building code requirements for garbage collection access and clearance.
- H. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas;
- I. The facility and/or containers shall be clearly marked to identify the type of material to be deposited, operating instructions and hours, and the identity and phone number of the facility operator to call if the machine is inoperative, and shall display a notice stating that no material shall be left outside the recycling enclosure of containers;
- J. Facilities shall meet the sign requirements of the zone designation as set forth in the Zoning Ordinance, unless otherwise specified; directional signs may be installed with the approval of the Director of Planning;
- K. The facility shall be maintained in a clean and sanitary manner free of litter and any other undesirable materials on a regular basis, including mobile facilities;
- L. Developments and transportation corridors adjacent to recycling areas shall be adequately protected from any adverse impacts such as noise, odor, vectors, or glare, through measures including, but not limited to maintaining adequate separation, fencing, and landscaping;
- M. If the facility is located in or near an area designated, or planned for residential use, special requirements for hours of operation, type of machinery used, lighting, and truck routes may be required;
- N. Noise generated by the facilities shall not exceed maximum limits established by the General Plan;



**CHAPTER 9 ARTICLE 97  
RECYCLING FACILITIES**

- O. The facility must meet all applicable requirements of the Fire, Health, and Building and Safety Departments;

**Section 97.03 Permits Required**

Recycling facilities are subject to permit review in all residential, commercial and manufacturing zones according to the following:

Type of Facility	Zones Permitted	Permit Required
Reverse Vending Machine(s)	All Commercial and Manufacturing zones	Minor Modification and up to 5 reverse vending machines
Small Collection Facilities	All Commercial and Manufacturing zones	Minor Modification
Large Collection Facilities	C-5, M-1, M-2 ( <i>Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.</i> )	Conditional Use Permit
Light Processing Facilities	C-5, M-1, M-2 ( <i>Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.</i> )	Conditional Use Permit
Heavy Processing Facilities	M-1, M-2	Conditional Use Permit

## **CHAPTER 9 ARTICLE 97 RECYCLING FACILITIES**

### **Section 97.04 Reverse Vending Machines**

Reverse vending machine(s), as defined in Section 16.17, shall be subject to compliance with the following standards:

- A. Shall be installed as an accessory use to a commercial or manufacturing use which is in full compliance with all applicable provisions of the Zoning Ordinance and Municipal Code.
- B. Shall be located within 30 feet of the entrance to the structure and shall not obstruct pedestrian or vehicular circulation.
- C. Shall not occupy parking spaces required by the primary use.
- D. Shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
- E. Shall have a sign area of maximum four (4) square feet per machine, exclusive of operating instructions.
- F. Operating hours shall be consistent with the operating hours of the primary use.
- G. Shall be illuminated to ensure comfortable and safe operation if operating hours include hours between dusk and dawn.
- H. No additional parking spaces shall be required for customers of a reverse vending machine.

### **Section 97.05 Small Collection Facilities**

Small collection facilities, as defined in Section 16.18, shall comply with both the general standards provided in Subsection A above and the following standards:

**CHAPTER 9 ARTICLE 97  
RECYCLING FACILITIES**

- A. Shall be installed as an accessory use to an existing use which is in full compliance with all applicable provisions of the Zoning Ordinance.
- B. Shall be no larger than 500 square feet.
- C. Shall be subject to structure setbacks, landscaping, and/or screening requirements of the zone in which it is located, except as modified or increased by the Director of Planning.
- D. Shall accept only glass, metals, plastic containers, papers and reuseable items.
- E. Shall use no power-driven processing equipment except for reverse vending machines.
- F. Containers shall be covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected and collection schedule.
- G. If a mobile unit is used, all recyclable materials shall be stored in the mobile unit vehicle and shall not be left outside of the unit when attendant is not present; Mobile facilities at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- H. Signs may be provided as follows:
  - 1. Identification signs with a maximum sign area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is less. In the case of a wheeled facility, the side will be measured from the ground to the top of the container.
  - 2. Signs shall be consistent with the character of their location.

## **CHAPTER 9 ARTICLE 97 RECYCLING FACILITIES**

- 3. Directional signs, consistent with the Ordinance, may be installed with the approval of the Director of Planning if found necessary to facilitate traffic or if the facility is not visible from the public right-of-way.
- I. No additional parking space shall be required for customers of a small collection facility located at the established parking lot of the primary use.
- J. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- K. In no event, shall small collection facilities reduce the parking requirements of the development project.
- L. Small collection facilities shall not be 24 hour operations.

### **Section 97.06 Large Collection Facilities**

A large collection facility, as defined in Section 16.18, shall comply with the general and following standards:

- A. The facility shall not abut residential zones.
- B. The facility shall be enclosed within a structure and screened from view from the public right-of-way.
- C. Structure setbacks and landscape requirements shall be those required for the zoning designation in which the facility is located.
- D. Containers shall be covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule.



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RECYCLING FACILITIES**

- E. Space shall be provided on site for a minimum of six (6) vehicles to circulate and to deposit recyclable materials and for adequate stacking distances per the City Traffic/Transportation Engineer.
- F. Four parking spaces shall be provided for employees plus one (1) space for each commercial vehicle operated by the recycling facility.
- G. Adequate refuse containers for the disposal of non-hazardous waste shall be permanently maintained on site.

**Section 97.07 Light Processing Facilities**

Light processing facilities, as defined in Section 16.18, shall comply with the general and following standards:

- A. The facility shall not abut a residentially designated property;
- B. Processing facilities shall operate within a completely enclosed structure.
- C. Power-driven processing shall be permitted provided all noise level requirements are met. Light processing facilities shall be limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
- D. A light processing facility shall be no larger than 45,000 square feet; shall have no more than an average of 2 outbound truck shipments of material per day; and shall not shred, compact or bale ferrous metals other than food and beverage containers.
- E. Structure setbacks and landscaping requirements shall be those provided for the zone designation in which the facility is located.

## **CHAPTER 9 ARTICLE 97 RECYCLING FACILITIES**

- F. Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present.
- G. One parking space shall be required for each 2,500 square feet of area devoted for storage.

### **Section 97.08 Heavy Processing Facilities**

Heavy processing facilities shall comply with the general and following standards:

- A. The facility shall not abut a residentially designated property.
- B. Processing facilities shall operate within a completely enclosed structure.
- C. Power-driven processing shall be permitted provided all noise level requirements are met.
- D. Structure setbacks and landscaping requirements shall be those provided for the zone designation in which the facility is located.
- E. Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present.
- F. One parking space shall be provided for each 2,500 square feet of area devoted for storage, in accordance with the requirements of Article 87 of the Zoning Ordinance.

**ARTICLE 98 OTHER USES**

**Section 98.01 Land Reclamation Projects**

A. Purpose and intent

It is the purpose of these regulations to establish specific standards for land reclamation projects where they are permitted by conditional use permit. The intent is to prevent adverse visual, health, safety, and other impacts on the surrounding properties and/or the community.

B. Development Standards

Land reclamation projects where listed as permitted by Conditional Use Permit, shall be constructed in the following manner:

1. Prior to commencement of operations the portion of the project to be used immediately for dumping purposes shall be enclosed with a chain link fence having a height of six (6) feet capable of preventing access thereto by unauthorized persons. Access to the dump area shall be protected with gates and be kept closed during non-operating periods. The location of all entrances shall be subject to the approval of the Commission.
2. An earth dike shall be constructed within the property fence along and parallel with any street or highway. Such dike shall be not less than eight (8) feet in height above the elevation of the centerline of the paralleling street or highway and shall be so treated as to remain dust and weed free.
3. In lieu of said chain link fence and dike, the Commission may approve the substitution of an eight (8) foot solid fence or decorative wall where, in the opinion of said Commission, such fence or wall will adequately comply with the provisions of this Section.

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4. Salvage operations are not permitted on the premises.
5. All access roads shall be paved a distance of not less than two hundred (200) feet from the nearest paved dedicated street or highway. Such paving shall be of asphalt or other hard surfacing in conformance with the standards set forth by the Director.
6. All roads within the dumping area are to be oiled or hard surfaced and maintained so as to prevent the creation of dust.

**C. Review Process**

Land Reclamation Projects shall be subject to Conditional Use Permit approval in accordance with Article 22.







**CHAPTER 10 ARTICLE 100  
HILLSIDE MANAGEMENT**

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**ARTICLE 100 HILLSIDE MANAGEMENT**

**Section 100.01 Intent and Purpose**

The intent and purpose of this Article is to implement the goals and policies of the General Plan and the various elements contained therein as they relate to development and resource management in hillside areas within the City of Palmdale. The provisions contained herein will allow for orderly and sensitive development in hillside areas in conjunction with the preservation of natural open space on steeper terrain. The following specific goals and policies reflect those contained in the General Plan and provide the purpose and intent for this Article.

- A. To allow for development patterns in hillside areas that minimize erosion and geologic hazards and that provide for the protection of the public health, safety and welfare.
- B. To provide for density of development that respects and is reflective of the natural terrain.
- C. To encourage grading techniques that blend with the natural terrain, minimize earth moving activity, minimize visual impacts of large cut and fill slopes and provide for the preservation of unique and significant natural landforms.
- D. To encourage retention of natural drainage patterns and the preservation of significant riparian areas, both of which are commonly located in hillside areas.
- E. To reduce water use in slope replanting and retention by encouraging grading design that minimizes manufactured slopes.

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- F. To allow density transfers where appropriate to facilitate development in more developable locations while retaining significant natural slopes and areas of environmental sensitivity.
- G. To substantially retain the integrity and natural grade elevations of the significant natural ridgelines and prominent landforms that, in aggregate, form the City's skyline backdrop. Natural landforms and features forming this backdrop include Ritter Ridge, Portal Ridge, Verde Ridge, the Ana Verde Hills, the Sierra Pelona mountains, and secondary ridges associated with the San Andreas Rift Zone and the lower foothills of the San Gabriel mountains.

### **Section 100.02 Applicability**

This Article establishes specific submittal requirements, review standards, and processing procedures for projects within hillside areas as defined herein. Development applications proposed on a parcel or parcels containing slope areas that fall within the definition of a hillside area shall comply with all procedures, standards, and findings contained in this Article. Because this Article contains provisions that address a variety of site and project characteristics, the extent that a specific section will impact a project will vary.

Although directed primarily towards minimizing the impacts of residential development, specific provisions of this Article which address grading and slope revegetation will apply to all types of development in hillside areas, including, but not limited to, commercial, industrial, and public, quasi-public, or institutional uses.

### **Section 100.03 Definition of Hillside Area and Slope Steepness**

- A. A hillside area is defined as any property in the City of Palmdale that contains slope areas of ten (10) percent or greater.



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- B. The steepness of a slope is defined as the ratio of the change in elevation (rise) to the horizontal distance (run) over which that change in elevation occurs. The percent of steepness of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by 100.

**Section 100.04 Exemptions From Hillside Area Definition**

Parcels containing only individual minor topographic features or drainage courses that contain slopes greater than ten (10) percent may not be considered a hillside area and will not be required to follow procedures set forth in this Article if said feature, or features, fall under one of the following categories:

- A. The feature or features contain a vertical height no greater than fifty (50) feet and a horizontal dimension no greater than two hundred (200) feet in any direction as measured from the 10 percent slope line. In the case of multiple isolated landforms on the same property, said isolated landforms shall be physically separate topographic features that are clearly not a component of a significant ridgeline or any other prominent landform that contains slopes greater than ten (10) percent.
- B. Properties only containing slopes of ten (10) percent or greater associated with minor drainage courses not indicated on the United States Geological Survey (U.S.G.S.) maps as intermittent or perennial streams.
- C. Previously created manufactured slopes.

**Section 100.05 Definitions**

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

## **CHAPTER 10 ARTICLE 100 HILLSIDE MANAGEMENT**

**Contour Grading** - A grading technique which utilizes curvilinear, horizontal, and vertical undulations in order to simulate the characteristics of natural topography.

**Cross Lot Drainage** - A drainage system that conveys site run-off towards the rear lot line where it is captured in a drainage channel, pipe, or similar structure and directed across lot lines to an approved point of discharge, or detention or retention.

**Daylight Grading** - A grading technique which designates an existing natural contour as the transition line between a manufactured pad for development and an adjacent natural slope face and which eliminates the need for fill slopes along the exposed edges of the development pad.

**Density Transfer** - An increase in density on one portion of a property to a level that may exceed the underlying General Plan designation of that portion of the property while maintaining a gross density over the entire property that is consistent with the underlying General Plan designation.

**Hillside Area** - Any property containing slope areas of ten (10) percent or greater.

**Horizontal and Vertical Building Envelopes** - The maximum width and height of a structure based on minimum setback requirements and maximum building height limitations for the zone within which the project is located. These envelopes may be utilized to evaluate visual impacts when specific architectural plans are not provided for subdivision review.

**Landform Grading** - A design concept which utilizes grading techniques that stress the preservation of significant topographic features, the selective placement of development, variations to slope gradients, transitional slopes, and the sculpture-like shaping of manufactured slopes in a manner that replicates the shapes and characteristics of natural landforms.

**Manufactured Slope** - A man made slope created by grading that consists wholly of cut or filled material.

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**Mass Grading** - A grading technique in which all lots, building pads and streets are generally graded over the entire area resulting in the disruption of the majority of the on-site natural grade and vegetation and, often resulting in, but not required to result in, a successive pad/terrace configuration.

**Prominent Landform** - A hill, portion of a ridge, canyon or similar features which possess a high level of visibility from existing and undeveloped areas within the City of Palmdale's Sphere of Influence and form a component of the City's natural skyline backdrop. Included within this definition would be landforms associated with the San Andreas Rift Zone and the lower foothills of the San Gabriel mountains.

**Significant Ridgeline** - A long, conspicuous, continuous elevated landform that forms a part of the natural backdrop and skyline to the City of Palmdale. Said landform may consist of one or more ridge features each of varying elevations dependent on the characteristics of the ridgeline being evaluated. Distinct natural ridgelines forming a portion of the City's skyline backdrop to the City include Ritter Ridge, Portal Ridge, Verde Ridge, and the Sierra Pelona mountains.

**Slope Face** - The slopes located directly below, and leading up to, the crest of a significant ridgeline or prominent landform.

**Slope Steepness** - The relationship (the ratio) between the change in elevation (rise) and the horizontal distance (run) over which that change in elevation occurs. The percent of steepness of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by 100.

**Subdivision Development Plan** - Specific development plans for an approved tentative map, including plot plans, building elevations, grading plans and landscape plans applicable to individual lots within said tentative map.



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### **Section 100.06 Exclusions**

This Article shall not be applicable to the following activities and types of projects:

- A. Construction of a single dwelling unit on a parcel of land legally established prior to adoption of this Article regardless of the slope steepness on the property.
- B. Any application for a final, tentative, or parcel map, planned development, site plan review, or conditional use permit which was submitted and deemed complete prior to adoption of this Article, or any time extension to a previously approved project, shall be exempt from the provisions of this Article unless the Director of Planning, Planning Commission, or City Council finds that changes to the project constitute a major modification to the original project approval. Modifications considered major would include, but not be limited to, the following:
  - 1. An increase in the number of developable lots.
  - 2. A reduction of lot sizes below the minimum lot size established for the zone or below a size previously approved by the Planning Commission.
  - 3. An increase to the vertical height or horizontal width of manufactured slopes that, in the opinion of the Director of Planning, alters the plan to a level that may be inconsistent with the original Planning Commission approval.
  - 4. An increase to building bulk or site/lot coverage that, in the opinion of the Director of Planning, alters the approved plan to a level that may be inconsistent with the original Planning Commission approval.
  - 5. A combination of minor alterations that represent substantive, cumulative changes to the project, or other similar modifications to the previously approved project that significantly change the design or character of the project as determined by the Director of Planning.



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- C. Modification of or addition to an existing single family dwelling and accessory buildings on an existing parcel created prior to the date of adoption of this Article. This exemption shall not include an increase in the number of units/lots or change in use.
- D. Any parcel involving a sanitary landfill operation, landfill related gas recovery and collection systems and ancillary electrical power generating and transfer station facilities as well as equipment storage, administrative facilities and ancillary improvements related to a landfill.
- E. Fire breaks and fire roads required by the Los Angeles County Fire Department.
- F. Recreation trails for pedestrian, equestrian, or multi-use purposes.
- G. The construction of public improvements initiated by a public or quasi-public agency including, but not limited to, drainage channels, retention basins, water tanks and pumping stations, provided that such facilities are landscaped and bermed so as to minimize visual impacts.
- H. Lot line adjustments.
- I. Specific Plans conditionally approved prior to the effective date of adoption of this Article.

**Section 100.07 Required Approval for Projects in Hillside Areas**

No tentative map, conditional use permit, site plan review or other discretionary approval shall be granted for a project in a hillside area unless the person or entity authorized to grant approval therefor affirmatively finds, in addition to the required findings for the underlying discretionary approval, that the project satisfies the findings set forth in Section 100.18 and otherwise complies with the provisions of this Article.

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**Section 100.08 Processing Procedures and Submittal Requirements for Projects in Hillside Areas**

- A. At the time an applicant applies for a tentative map, conditional use permit, site plan review or other discretionary approval of a project in a hillside area, the applicant shall submit the items and information listed in paragraph C of this section to the Planning Department. This list is not exclusive and additional information or studies may be required for review of the project pursuant to the California Environmental Quality Act (CEQA) and other laws. The Director of Planning, at his or her discretion, may modify or eliminate one or several of the submittal requirements listed in paragraph C upon review of specific projects.
- B. In the event it is uncertain whether or not a parcel or parcels of land falls within a hillside area, as defined in the Article, the applicant shall submit a slope map and related topographic information to determine the applicability of this Article to the project area. The decision as to the applicability of this Article to a parcel or parcels of land shall be made by the Director of Planning.
- C. Application submittals for development projects in hillside areas may include, but are not limited to, the items listed below. Additional information or studies may be required if deemed necessary under California Environmental Quality Act (CEQA) review procedures.

- 1. Slope map and analysis

The topographic exhibits and analysis shall be prepared as set forth below.

- a. Slope map

The slope map shall be prepared by a registered civil engineer or land surveyor. Said map shall provide the following information:

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(1) The map shall be based on contour intervals no greater than ten (10) feet except where steep terrain warrants contour intervals greater than ten (10) feet.

(2) Slope bands in the ranges of 0-10 percent, 10-25 percent, 25-50 percent, and over 50 percent shall be identified in clearly distinguishable graphic representations (ie, shading, pattern, numerical highlighting within clearly defined slope category boundaries, etc.) on the slope map.

(3) Individual contours shall be clearly indicated on the slope map or said map shall be augmented by a clear mylar overlay, of the same scale as the slope map, which clearly indicates all individual contours. The slope and topographic overlay maps shall extend off-site a sufficient distance to incorporate the topography of all abutting properties as it relates to the proposed site.

b. Slope analysis

(1) The slope analysis shall specifically identify and calculate the slope percentages for each individual topographic feature. Horizontal runs used to calculate slopes shall be limited to each individual feature.

(2) Total land area within each category shall be indicated on a table to be provided on the map face.

2. Preliminary grading plan

a. A preliminary grading plan prepared by a registered civil engineer indicating the height and width of all manufactured slopes, proposed drainage patterns, methods of storm water detention/retention, and identification of areas to remain in a

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natural state shall be clearly shown. Off-site contours for adjacent, unimproved areas within fifty (50) feet of the project's boundaries shall be provided. When adjacent property is improved, pad elevations, street grades, wall sections, and any approved or existing improvements immediately adjacent to the subject property, shall also be shown.

- b. One (1) colored copy of said preliminary grading plan showing all cut and fill areas.

3. Cross sections/preliminary cut and fill

No less than two (2) cross sections which completely traverse the property at appropriately spaced intervals in locations where topographic variation is greatest. Said exhibits shall be prepared by a registered civil engineer. The cross sections shall clearly depict the vertical variation between natural and finished grade.

4. Visual impact analysis

The purpose of these exhibits is to replicate how the project will appear if it were to be constructed as conceptually proposed. The study shall include, but not be limited to, panoramic photographs of the project site with an overlay of scaled rendering(s) of the conceptual project designed to depict project appearance when viewed from the Antelope Valley within the sphere of influence of the City of Palmdale or adjacent valleys, as determined by the Director of Planning. In addition to the Planning Department's guidelines for the preparation of visual studies, specific requirements for the visual study will be established by the City during preliminary or formal application review.



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5. Building envelopes

Horizontal and vertical building envelopes or plot plans/building elevations may be required for subdivisions where visual impacts are being evaluated.

6. Pedestrian circulation/trails plan

For projects in which hillside street sections as specified in Section 100.15 are proposed, the necessity for sidewalks or alternative pedestrian circulation systems shall be considered during project review. A pedestrian circulation and trail plan may be required if alternatives to standard sidewalks are proposed.

D. Standards for exhibits

Completeness and accuracy of the above specified plans, studies and other submittal requirements will be determined by the Director of Planning, City Engineer, or their designees in accordance with Section 65943 of the California Government Code. All studies shall be in conformance with the current City guidelines for each individual study or report.

**Section 100.09 Slope Density Standards**

A. Slope density table

Except as otherwise provided in other portions of this Article, no development project shall be approved unless the density of the proposed project complies with the following slope density ratios, as interpreted and applied by succeeding paragraphs of this section:

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Slope Category	Allowable Density	Equivalent Number of Units Per Acre
0-10 percent	Upper Limit of the Applicable General Plan Density Range	Same
10-25 percent	.57 du/ac	1 unit/1-3/4 acres
25-50 percent	.40 du/ac	1 unit/2-1/2 acres
Greater than 50 percent	.025 du/ac	1 unit/40 acres

- B. The overall number of units allowed on a property shall be based on the summation of the total number of units allowed within each slope category. All areas within the project boundary shall be included in one of the established categories.
- C. Should slope density calculations allow more units than the underlying General Plan designation, the General Plan designation shall take precedence and is the basis for determining the permitted number of units on a property. In all other cases, the slope density table shall be utilized for calculating allowable density and represents implementation of General Plan policies pertaining to hillside development.
- D. The slope density standards are intended to establish the maximum number of units permitted on a specific property. How and where those units will be placed on the property shall be based on standards and criteria contained in this Article. It is not required that units be allocated within a property based on the location of individual slope categories, although the underlying premise of this Article is to encourage development on flatter, more developable areas.

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- E. Fractional remainders resulting from area calculations multiplied by slope density ratios for individual slope categories shall be included when determining the total number of units possible in a particular category. Any fractional remainders resulting from the summation of allowable density from all categories shall be rounded down when determining the total number of units allowed on a property.
- F. No industrial development shall be allowed on natural slopes of fifteen (15) percent and greater.

**Section 100.10 Construction on Slopes Greater than Fifty (50) Percent**

No construction or grading shall be permitted in areas containing slopes of fifty (50) percent or greater except under the following circumstances:

- A. Development is proposed on isolated peninsula shaped fingers of fifty (50) percent slope within an otherwise developable area of lesser slopes; or
- B. The grading involves the filling of small ravines or drainage courses not shown on the U.S.G.S maps as intermittent or perennial streams which contain ancillary slopes of fifty (50) percent or greater if said ravine or drainage course is not deemed a significant biological area, (as determined by the biological study for the project) and if measures to convey surface water, are proposed to the satisfaction of the City Engineer; or
- C. The grading involves the construction of roads if the fifty (50) percent slope area is an isolated landform as defined in Section 100.04, or if no other reasonable alternatives are available and all hillside street design criteria are met as specified in Section 100.15.

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**Section 100.11 Density Transfers**

Density transfers, wherein permissible densities on steeper portions of a property are transferred to portions of the property that require less grading and are less steeply sloped, less ecologically sensitive, and less visually prominent, may be permitted if the proposed transfer complies with the provisions of this Section and Article. The purpose of this section is to establish criteria that address the positive benefits and potential negative impacts created by density transfers. Primary consideration shall be given to established neighborhoods that may be negatively impacted if a project proposing density transfer creates an incompatible interface caused by land uses of significantly different densities and physical characteristics typically associated with those densities. Buffering techniques and physical location are critical factors in minimizing potential impacts.

**A. Density transfer procedures**

Any proposal to transfer density shall be in full compliance with this Article and any other provisions contained in the Zoning Ordinance.

**B. Density transfer review criteria**

A transfer of density shall be found suitable for a particular site only if the proposed density transfer complies with the following standards:

1. Design of the density transfer minimizes impacts on adjacent areas;
2. The physical location is suitable for a project proposing density transfer. If available, natural physical features shall be utilized to visually and physically separate higher density housing from nearby areas that are developed at lower densities.
3. On sites where physical separation utilizing natural features is not feasible, buffering techniques shall be utilized to ensure that density transfer does not result in negative impacts upon existing neighborhoods



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of a lower density or rural development pattern. Appropriate buffering techniques may include, but are not limited to:

- a. Incorporation of larger lot sizes/patterns which are consistent with the immediately adjacent neighborhoods.
- b. Utilization of architectural styling, fence details, landscape and lot patterns, or similar features that are compatible with those found in adjacent areas.
- c. Establishment of buffer areas of appropriate size to ensure that transition of densities is gradual in order to minimize incompatible mixing of development types associated with various intensities of development.

**Section 100.12 Development Proposed on Significant Ridgelines and Prominent Landforms Forming the City's Skyline Backdrop**

**A. Purpose and intent**

This Section is intended to assure that the physical characteristics of the significant natural ridgelines and prominent landforms on the perimeter of the City, as defined in Section 100.05, are retained as a skyline backdrop to the City, and that any development on physical features encompassing these landforms will integrate with, rather than significantly modify existing topography. The goal of this Section is to encourage site planning techniques that ensure integration of development with physical features such as natural bowls, broad plateaus, valleys, and similar natural landforms. Implementation of this Section will ensure that the natural form and elevations of the City's skyline backdrop will be retained.

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### **B. Requirements**

All applications for development proposed in these areas shall be subject to the standards and procedures set forth below.

#### **1. Visual impact study**

- a. A visual impact study will be required for projects located on the crest or slope face of prominent landforms and ridgelines that are physical components of the topographic features generally described in Section 100.05 and which form an integral part of the City's natural skyline backdrop. Applicability of this Section may be determined by the Director of Planning during preliminary conceptual review or during application review. In cases of dispute, the Planning Commission shall have final decision making authority on applicability of this Section.
- b. The above criteria for requiring a visual impact study are not all inclusive and do not preclude the requirement of alternative visual studies for unique circumstances as determined necessary by the Director of Planning.

#### **2. Review standards**

The criteria listed below shall be utilized in evaluating projects located on the crest or slope face of significant ridgelines or prominent landforms forming the City's skyline backdrop.

- a. All development proposed on prominent landforms or significant ridgelines as defined herein shall be designed to substantially retain the natural contour elevations of these features as viewed from vantage points on the valley floor within the Sphere of Influence of the City of Palmdale or from smaller adjacent valleys.

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- b. Grading to substantially re-shape prominent landforms and ridgelines that form a component of the City's skyline backdrop shall be prohibited.
- c. Dwellings constructed near the crest of a ridgeline or prominent landform shall utilize architectural, grading, and landscaping elements that serve to integrate the structure with the landform upon which it is constructed. In determining whether a project complies with this requirement, a project must be found consistent with the following criteria:
  - (1) On steep natural grades, foundations and floor plans should be designed with multi-levels to change elevations with natural contours.
  - (2) Roof planes should be angled in the direction of the natural slope. The main building mass, including gabled sections of roof structures, should face away from lower lying areas.
  - (3) Roof lines should undulate to replicate the natural contours of the land.
  - (4) Building colors should emphasize blending with the surrounding natural terrain.
  - (5) Utilize daylight grading techniques where appropriate to reduce disruption of natural topography and vegetation.
  - (6) Structural setbacks from the edge of natural slopes should be utilized to reduce visual prominence of structures.
  - (7) Berming and tree massing near the landform crest should be utilized to blend in with the natural landforms and to screen view of the structure from lower lying areas.

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### **Section 100.13 Grading Standards**

#### **A. Purpose and intent**

The standards contained in this Section are established to ensure that grading techniques are utilized which reduce erosion potential, minimize visual impacts, promote use of development patterns and street designs that follow natural contours, and minimize length and width of manufactured slopes.

#### **B. Grading standards**

Except as otherwise permitted pursuant to Section 100.14, no project in a hillside area shall be permitted unless the project, or the project as modified with conditions, complies with the following standards.

1. The maximum height for manufactured slopes shall be thirty (30) feet except as specified in this Section 100.14.
2. Manufactured fill slopes adjacent to primary and secondary arterials shall be no steeper than 3:1 within landscape assessment areas and public right-of-ways, and shall not exceed ten (10) feet in height unless the slope is lower in elevation than the roadway.
3. Where a proposed subdivision containing average net lot sizes exceeding twenty thousand (20,000) square feet, lot grading should be limited to building pad and related functional yard area. Flat pad grading of the entire lot is prohibited. The grading plan submitted for project review shall clearly delineate graded and natural portions of proposed lots.
4. Grading on the perimeter of the site shall not be designed with perimeter downslopes to property lines unless a homeowners association, slope maintenance district, or similar entity is established for maintenance of said downslopes. Exemptions to this requirement may be made for downslopes to property lines that are 4:1 or less. For interior slopes



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between lots, manufactured building pads shall be designed with up-slopes to property lines.

5. Subdivision development plans shall indicate a minimum twenty (20) foot setback from the rear dwelling wall to the top or toe of a manufactured slope or retaining wall. The only exception to this standard would be in the case of a terraced rear yard where multiple levels of functional yard space are provided.
6. Manufactured slopes greater than eight (8) feet in height shall be rounded at the top and at the toe of slope to simulate natural topography. The radius of the rounded slope shall be calculated by dividing the overall height of the slope by three (H/3).
7. Manufactured slopes in excess of two hundred (200) feet in length and greater than eight (8) feet in height shall be designed with horizontal curvature that simulates the horizontal surface variations of natural contours.
8. Dwellings proposed on ungraded lots with natural grades of ten (10) percent and greater should follow natural contours, utilizing such techniques as stepped foundations and split level floor plans.
9. For projects on property defined in Section 100.03 as a hillside area, and where it can be clearly established that reduced setbacks will enhance preservation of natural terrain and reduced grading, front setbacks may be reduced to ten (10) feet as applied to the main portion of the dwelling. The garage setbacks shall remain at twenty (20) feet except for a side loaded garage where a minimum driveway depth of twenty (20) feet from right-of-way edge shall be provided.
10. Cross lot drainage may be utilized to reduce grading if an overall design and method of maintenance is established to the satisfaction of the City Engineer and Director of Planning. Terrace drains shall be subject to

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maintenance by private homeowners associations or individual property owners.

11. Any continuous manufactured slope within a subdivision with a slope steepness of 3:1 or steeper, a vertical height of thirty (30) feet or greater where so allowed under Section 100.14, and which abuts five (5) or more lots, shall require the creation of a Homeowners Association or other maintenance entity with provision for the collection of fees or assessments designated specifically to pay costs associated with the maintenance of these slopes, as well as to create easements or homeowners association lots for maintenance of all slopes falling under this category. The slope maintenance entity, rather than individual property owners, will be responsible for maintenance of said slopes. The tentative tract map shall be designed in a manner that provides access to said slopes by accessible easements and which avoids the necessity of gaining access to the slopes through individual lots. No fences shall be permitted between lots within the slope easement areas. Slope easement areas may be included as lot area for purposes of calculating lot size. Habitable structures shall not be permitted within common slope easement areas.

#### **Section 100.14 Landform Grading**

##### **A. Purpose and intent**

Landform grading, as defined in Section 100.05, provides an alternative grading technique that may be utilized where unique topographic conditions exist that warrant a non-traditional and creative approach to grading a site.

##### **B. Authorization for landform grading**

The height and slope steepness limitations and other applicable standards for manufactured slopes established under Section 100.13 may be modified under

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an approved landform grading plan, if the proposed project is found to incorporate the following design elements:

1. Variation to slope gradients utilizing compound slopes and state of the art grading techniques with maximum slope steepness to be determined by the City Engineer as specified in the Uniform Building Code. An example of this technique would be slope transitions varying from 4:1 to 1:1 punctuated by slopes of varying steepness.
2. Variation to pad sizes and shapes that correspond to variable topography.
3. The artful utilization of contour and daylight grading to achieve a subtle transition between natural landforms and man-made slopes.
4. Use of drainage and landscape elements such as clustering of trees and shrubs typical of concentrations found in nature, incorporation of rock elements into man-made culverts and downdrains, and angling and naturalized coloration of concrete drainage elements to reduce visibility.
5. The preservation of natural open spaces as part of the overall grading concept.

C. Determination of compliance with landform grading

Conformance with landform grading provisions shall be determined during project review. It will be the responsibility of the applicant to provide the City with exhibits necessary to establish compliance with mandated design characteristics of landform grading. No modification to the grading standards may be granted unless this determination is made.

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**Section 100.15 Hillside Street Standards**

- A. Except as otherwise provided in Paragraph B of this Section, streets within any project proposed in a hillside area as defined in this Article shall be designed and constructed in accordance with the standards listed below:
1. Proposed streets in hillside areas shall be aligned parallel to the natural contours of the land where feasible.
  2. Bridges and oversized culverts, if recommended as a biological mitigation measure, may be required when streets cross drainage ways and ravines that serve as important wildlife corridors.
  3. Streets oriented along the top of a significant ridgeline shall be strongly discouraged.
  4. Standard street sections may be modified in hillside areas where streets are proposed on natural grades of fifteen (15) percent or greater, if approved by the City Engineer and Traffic/Transportation Engineer. Said modifications may include the following:
    - a. Secondary arterials in hillside areas: Right-of-way width may be reduced to forty-four (44) feet and curb to curb width reduced to thirty-six (36) feet.
    - b. Local streets in hillside areas: Right-of-way width may be reduced to forty (40) feet and curb to curb width reduced to thirty-two (32) feet. A six (6) foot wide public utilities easement must be provided outside of the right-of-way.
    - c. Cul-de-sacs in hillside areas: Right-of-way width may be reduced to thirty-four (34) feet and curb to curb width to twenty-eight (28) feet. The cul-de-sac radius for hillside streets may be reduced to thirty-two (32) feet.



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- d. Any street with a curb to curb width of less than thirty-six (36) feet may have parking prohibited on one side. Any cul-de-sac with a radius of less than forty (40) feet may result in restricted on-street parking as determined by the City Traffic Engineer.
- 5. Split level, one-way streets may be permissible in areas of steep terrain when deemed acceptable by the City during project review.
- 6. Street lighting shall be designed to minimize visual impacts and retain rural character while conforming to acceptable safety standards.
- 7. Street grades shall not exceed the following except as may be modified by the Planning Commission pursuant to Section 16.12.030(H) of the Palmdale Municipal Code.
  - a. Primary Arterials: eight (8) percent
  - b. Secondary Arterials: ten (10) percent
  - c. Local Streets: fifteen (15) percent, except for limited distance that may exceed fifteen (15) percent if approved by the City Engineer and the Los Angeles County Fire Department.
- B. Modifications to these standards may be made by the Planning Commission or City Council if it can be found that such modifications further the purpose and intent of this ordinance by reducing grading and overall visual impacts while retaining acceptable traffic safety and street design characteristics as determined by the City Engineer.

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### **Section 100.16 Landscape and Erosion Control Standards**

- A. The grading plan shall preserve natural terrain and vegetation to the maximum extent feasible by utilizing creative design concepts as permitted by standards established in this Article. However, it is recognized that grading in some areas may involve considerable surface disruption and removal of natural vegetation. Where this occurs, and manufactured slopes are created, the following standards and submittal requirements shall apply:
1. With formal application: Conceptual landscape plans indicating both temporary and permanent slope plantings shall be submitted to the Planning Department. Included on said plans shall be a conceptual plant pallet and description of the irrigation system to be utilized.
  2. Prior to grading permit issuance: A manufactured slope re-vegetation report analyzing existing soil conditions, proposed soil amendments, and plant suitability for review and approval by the City Landscape Architect.

### **Section 100.17 Slope Maintenance**

- A. Developer maintained slope areas

The developer shall be responsible for slope re-vegetation including compliance with all provisions of Article 70 (Excavation and Grading) of the Uniform Building Code (UBC), as adopted by the City of Palmdale, prior to the transfer of perpetual maintenance responsibilities of said slopes to individual property owners, a homeowner's association, or other slope maintenance entity. A performance bond for an amount to be established by the Public Works Department shall be posted with the City in order to ensure that the ultimate establishment of all re-vegetation is completed.

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**B. Commonly maintained slopes**

Projects containing slopes requiring homeowners association maintenance will be subject to comprehensive Conditions, Covenants and Restrictions (CC&R's) which include slope maintenance provisions. Said CC&R's shall be subject to review and approval by the Director of Planning and City Attorney prior to recordation of a final map for the project.

**C. Erosion control standards**

Erosion control measures meeting the current specifications of the City Engineering Design Standards and Uniform Building Code that are in effect on the date when the formal application for the project is submitted shall be provided.

**Section 100.18 Hillside Development Findings**

No project in a hillside development area shall be approved by the Planning Commission or City Council unless it is found to conform to all of the following findings based on criteria and standards set forth in this Article:

- A. The density, grading, and design standards contained in this Article have been complied with in the overall design of the project.
- B. The project design and site layout retains and utilizes natural contours of the site to the maximum extent feasible.
- C. The project design incorporates drought tolerant landscape materials, water conserving irrigation techniques and erosion control measures in a manner that eliminates both short and long term erosion hazards while providing for aesthetic and effective re-vegetation of these slope areas.

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- D. Development is sited in a manner that substantially retains the visual qualities and natural elevations of the significant ridgelines and prominent landforms forming the City's skyline backdrop, as defined in this Article, and preserves those portions of the ridgelines visible from the Antelope Valley floor, or adjacent valleys, as a scenic skyline backdrop to the City.
- E. The impacts on adjacent neighborhoods of an established character are minimized when density transfer is proposed by employing design elements and locational characteristics consistent with criteria contained in Section 100.11.

**Section 100.19 Variances to the Hillside Management Ordinance**

No variance from the provisions of this Article shall be allowed unless it is approved pursuant to provisions of Article 23 of the Zoning Ordinance.



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**ARTICLE 101 TRANSPORTATION DEMAND MANAGEMENT**

**Section 101.01 Applicability of Requirements**

- A. This Article shall not apply to:
1. Projects for which a certificate of occupancy/final inspection has been issued prior to the effective date of this Section.
  2. Projects for which a building permit has been issued and which were approved prior to the effective date of this Section without a condition that they comply with the requirements of the CMP and any local implementing ordinance.
  3. Projects which are specifically exempt from these requirements by the provisions of an approved vesting tentative map, specific plan or development agreement.
- B. The gross square footage of all additions made to an existing building after the effective date of this Section shall be aggregated for purposes of determining whether the thresholds contained in Section 101.02 of this Article have been met; however, existing square footage shall be exempt from these requirements.

**Section 101.02 Definitions** *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

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**Alternative Transportation** shall mean the use of modes of transportation other than single passenger motor **Vehicle**, including but not limited to **Carpools**, **Vanpools**, **Buspools**, public transit, walking, and bicycling.

**Applicable Development** shall mean any **Development** project that is determined to meet or exceed the project size threshold criteria contained in Section 101.03 (TDM Development Standards).

**Buspool** shall mean a **Vehicle** carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

**California Environmental Quality Act (CEQA)** shall mean the statute found in Public Resources Code Section 21000 et. seq. that requires all jurisdictions in the State of California to evaluate the extent of environmental degradation posed by proposed development.

**Carpool** shall mean a **Vehicle** carrying two to six persons commuting together to and from work on a regular basis.

**Developer** shall mean the builder who is responsible for the planning, design and construction of an **Applicable Development** project. A developer may be responsible for implementing the provisions of this Ordinance as determined by the **Property Owner**.

**Employee Parking Area** shall mean the portion of total required parking at a development used by on-site employees.

**Non-Residential Development** shall mean any **Development** which is designated, used or intended to be used for any purpose other than a **Residence** or **Residences**.

**Preferential Parking** shall mean parking spaces designated or assigned, through use of a sign or painted space markings for **Carpool** and **Vanpool Vehicles** carrying commute passengers on a regular basis that are provided in a location more

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convenient to a place of employment than parking spaces provided for single occupant **Vehicles**.

**Property Owner** shall mean the legal owner of a **Development** who serves as the lessor to a **Tenant**. The **Property Owner** shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a **Tenant** and/or his agent.

**South Coast Air Quality Management District (SCAQMD)** shall mean the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties).

**Transit Operator** shall mean the Antelope Valley Transit Authority (AVTA) which serves as the local and regional public transportation provider in the Antelope Valley.

**Transportation Demand Management (TDM)** shall mean the alteration of travel behavior -- usually on the part of commuters -- through programs of incentives, services, and policies. TDM addresses alternatives to single occupant **Vehicles** such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

**Trip Reduction** shall mean reduction in the number of work-related trips made by single occupant **Vehicles**.

**Vanpool** shall mean a **Vehicle** carrying seven or more persons commuting together to and from work on a regular basis, usually in a Vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

**Vehicle** shall mean any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles.



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### **TRANSPORTATION DEMAND MANAGEMENT**

#### **Section 101.03 Development Standards**

- A. Prior to approval of any development project, the applicant shall make provision for, at a minimum, all of the following applicable transportation demand management and trip reduction measures. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair. The property owner shall be responsible for complying with the provisions of this Article either directly or by delegating such responsibility as may be appropriate to a tenant or to an agent.
- B. All development shall provide the following to the satisfaction of the City:
  - 1. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development. Developments with fewer than four (4) dwellings are exempt from this provision.
  - 2. If determined necessary by the City, bus stop improvements must be provided. The City will consult with the Transit Operator in determining appropriate improvements.
- C. Non-residential development of 25,000 square feet or more shall comply with Section 116.02(2) above and shall provide a bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it, to the satisfaction of the City. In the event that such structure is placed outdoors, the design and location shall be subject to review and approval by the Director of Planning. Information in or on such structure shall include, but is not limited to, the following:
  - 1. Current maps, routes and schedules for public transportation serving the site.
  - 2. Telephone numbers for transportation information, including numbers for the regional ridesharing agency and local transit operators.



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3. Ridesharing promotional material supplied by commuter-oriented organizations.
  4. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
  5. A listing of facilities available at the site for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians.
  6. For non-residential developments of 50,000 square feet or more, a statement that preferential carpool/vanpool spaces for employees are available and a description of the procedures for obtaining such spaces.
- D. Non-residential development of 50,000 square feet or more shall comply with Sections 101.02.B. and 101.02.C. above and shall comply with all of the following measures to the satisfaction of the City:
1. Not less than ten (10) percent of the employee parking area shall be identified as a preferential carpool/vanpool parking area on the site plan submitted with an application for a building permit. This preferential carpool/vanpool parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. A statement that preferential carpool/vanpool spaces for employees are available and a description of the procedures for obtaining such spaces shall be included on the required transportation information board. To the extent possible, spaces will be signed or striped as demand warrants, even if demand exceeds the ten (10) percent of the employee parking area designated on the site plan. At least one space for projects of 50,000 square feet to 100,000 square feet, and two spaces for projects over 100,000 square feet, shall be signed or striped for carpool/vanpool vehicles.

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- a. Employee parking shall be calculated as follows: *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30%
Office/Professional	85%
Industrial/Manufacturing	90%

2. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches, with appropriate adjustments for slope changes, shall be provided for those accessways and spaces to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas. No more than ten (10) percent of the employee parking area shall be required to provide access to vanpool vehicles.

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**ARTICLE 102 SURFACE MINING AND RECLAMATION**

**Section 102.01 Incorporation of SMARA and State Regulations**

The provisions of the California Surface Mining and Reclamation Act of 1975 (P.R.C. Sec. 2710 et seq.), P.R.C. Section 2207, and Title 14, Chapter 8, Section 3500 et seq. of the California Code of Regulations implementing the Act, hereinafter referred to as the State Regulations, as either may be amended from time to time, are made a part of this Article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Article are more restrictive than conflicting State provisions, this Article shall prevail.

**Section 102.02 Definitions**

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

**Exploration or Prospecting** shall mean the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

**Haul Road** shall mean a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

**Idle** shall mean to curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (SMARA, Sec. 2727.1)

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**Mined Lands** shall include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

**Minerals** shall mean any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat, bituminous rock, but excluding geothermal resources, natural gas, and petroleum. For the purpose of this Article, minerals shall also include but not be limited to sand, gravel, cinders, diatomaceous earth, shale, limestone, flagstone, decorative stone, and rip-rap.

**Mining Waste** shall include the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

**Operator** shall mean any person who is engaged in surface mining operations or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

**Overburden** shall mean soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

**Permit** shall mean any formal authorization from, or approved by, the City, the absence of which would preclude surface mining operations.

**Person** shall mean any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.



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**Reclamation** shall mean the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

**State Board** shall mean the State Mining and Geology Board, in the Department of Conservation, State of California.

**State Geologist** shall mean the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

**Surface Mining Operations** shall mean all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching.
2. The production and disposal of mining waste.
3. Prospecting and exploratory activities.
4. Borrow pitting
5. Streambed skimming
6. Segregation and stockpiling of mined materials (and recovery of the same)

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**Section 102.03 Applicability of Requirements**

**A. Requirements for conditional use permits**

Unless exempted by provisions of this Article, an approved conditional use permit as provided in Article 22 shall be required for all surface mining operations in all zoning districts in which surface mining is allowed; and shall be required for the expansion or substantial change of operation of any surface mine for which such expansion or changes have not been thereby approved, including any operation which meets the definition of a "non-conforming use" pursuant to Article 29.

**B. Requirements for reclamation plans.**

A Reclamation Plan shall be required for all surface mining operations in all zoning districts in which surface mining is allowed, as well as for those portions of existing surface mining operations conducted after January 1, 1976, unless a Reclamation Plan was approved by the City prior to that date and the person submitting that plan has accepted responsibility for carrying out the plan. Nothing in this Article shall be construed as requiring the filing of a Reclamation Plan for, or the reclamation of, mined lands on which surface mining operations were conducted legally and in compliance with all applicable City regulations prior to January 1, 1976.

**C. Exemptions**

A Reclamation Plan shall not be required for any of the following activities:

1. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA, Sec. 2714(a)).

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2. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less. (SMARA, Sec. 2714(b)).
3. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose. (SMARA, Sec. 2714(c)).
4. Emergency excavations or grading conducted by the Department of Water Resources (DWR) or the Reclamation Board for flood control purposes.
5. Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA, Section 2714(d)).

**Section 102.04 Contents of Applications for Conditional Use Permits for Surface Mining Operations and Reclamation Plans**

- A. In addition to the conditional use permit (CUP) application required in Section 22 of the Palmdale Zoning Ordinance, all applications for a CUP for surface mining operations shall contain the surface mining and reclamation application supplement required by the Planning Department. As many copies of the CUP and surface mining and reclamation application supplement as may be required shall be submitted to the Planning Department.
- B. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for CUPs for surface mining operations. For surface mining operations that are exempt from a CUP pursuant to this Article, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan.

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- C. Applications shall include the necessary environmental review information prescribed by the Planning Department.

#### **Section 102.05 Processing**

- A. The Planning Department will review the application package for completeness and shall, within 30 days after receipt, either accept the application as complete for the purpose of initiating permit processing or return the application as incomplete with an explanation of where the application is deficient. Resubmittal of the revised application shall start a new review timeframe.
- B. Within thirty (30) days of acceptance of an application for a CUP for surface mining operations and/or a Reclamation Plan as complete, the Planning Department shall notify the Director of the Department of Conservation of the filing of the application(s) (SMARA, Sec. 2774(e)). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that an application has been received (SMARA, Sec. 2770.5).
- C. The Planning Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (CEQA) and the City's Local CEQA Guidelines.
- D. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission, which incorporates input from any other affected department or agency.
- E. The Planning Commission shall hold at least one noticed public hearing on the conditional use permit and/or reclamation plan.



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- F. Prior to final approval of a reclamation plan, financial assurance (as provided in this Article), or any amendments to a reclamation plan, the Planning Commission shall certify to the Director of the Department of Conservation that the reclamation plan complies with the applicable requirements of the state regulations and submit the plan, assurances, or amendment to said Director for review (SMARA, Sec. 2774(c)). The Planning Commission may conceptually approve the reclamation plan before submittal to the Director of the Department of Conservation.
- G. If a conditional use permit is being processed concurrently with the reclamation plan, the Planning Commission may also conceptually approve the CUP at this time. However, the Planning Commission may defer action on the CUP until taking final action on the reclamation plan. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the CUP with the condition that the Planning Department shall not release the mining operation for occupancy until financial assurances have been reviewed by the Director of the Department of Conservation and final action has been taken on the reclamation plan.
- H. The Director of the Department of Conservation shall have forty-five (45) days to prepare written comments on the reclamation plan (SMARA, Sec. 2774(d)). The Planning Commission shall evaluate written comments received from the State during the 45-day comment period. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the City's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted (SMARA, Sec. 2774(d)). Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator.

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- I. The Planning Commission shall then take final action to approve, conditionally approve, or deny the conditional use permit and/or reclamation plan. The Planning Commission's action shall be final, subject to appeal as provided in the Section 20.11.
- J. The Planning Department shall forward a copy of each approved conditional use permit for mining operations and/or approved reclamation plan to the Director of the Department of Conservation.
- K. Annual Reports - Surface mining operators shall forward an annual status report to the Director of the Department of Conservation and the City Planning Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board (P.R.C. Sec. 2207 (a)-(g)).
- L. A copy of the final approved reclamation plan shall be kept on-site at all times.

**Section 102.06 Performance Standards for Reclamation Plans**

- A. All new or revised reclamation plans shall conform to minimum statewide performance standards required pursuant to California Code of Regulations 3700 et. seq. (Reclamation Standards) and SMARA Sec. 2773, as adopted by the State Mining and Geology Board, including but not limited to wildlife habitat, backfilling, regrading, slope stability, recontouring, erosion control, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, tailing and mine waste management and maintenance.
- B. The City of Palmdale may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of City-wide performance standards on any new reclamation plan or modification to a previously approved reclamation plan.

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**Section 102.07 Phasing of Reclamation**

- A. Phasing of Reclamation - Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance (SMARA, Sec. 2772(f)); (see also, Sec. 77.07.022. Interim Management Plans).
- B. Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations if it is determined to be necessary to ensure the success of final reclamation or for health and safety purposes. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal, or fill as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: the approximate length of time for completion of each phase; all reclamation activities required; criteria for measuring completion of specific reclamation activities; and estimated costs as provided in Sec. 77.07.020 (Financial Assurances For Reclamation Plans). The City shall approve the reclamation schedule.

**Section 102.08 Findings for Approval**

In addition to the findings for approval conditional use permits contained in Section 22, approval for surface mining operations shall include a finding that the project complies with the provisions of State law and regulation.

- A. For reclamation plans, the following findings shall be made by the reviewing authority prior to approval:
  - 1. The reclamation plan complies with Sections 2772, 2773, and 2773.1 of SMARA and any other applicable provisions;



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2. The reclamation plan complies with applicable requirements of Title 14, Chapter 8, Section 3500 et seq. of the California Code of Regulations.
3. The reclamation plan and potential use of reclaimed land pursuant to the Plan are consistent with this Article and the City's General Plan.
4. Through implementation of the reclamation plan, all significant adverse impacts on lands to be reclaimed as a result of the surface mining operations are mitigated to the maximum extent feasible.
5. The land and/or resources to be reclaimed will be restored to a condition that is compatible with the surrounding environment.
6. That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with any applicable air quality and/or water quality resource plan and/or that suitable off-site development will compensate for related disturbances to resource values existing after reclamation is completed.
7. The reclamation plan will restore the mined lands to a usable condition which is adaptable for alternative land uses consistent with the General Plan and any other applicable plan or element.
8. A written response to the Director of the Department of Conservation has been prepared, describing the disposition of major issues raised by the Director. Where the City's position is at variance with the recommendations and objections raised by the Director, said response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA, Sec. 2772(d)).



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**Section 102.09 Financial Assurances for Reclamation Plans**

- A. In order to ensure that reclamation will proceed in accordance with the approved reclamation plan, the City shall require as a condition of approval one or more forms of security which will be released upon satisfactory performance. The applicant shall post security in the form of a corporate surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the City and the Department of Conservation as specified in statewide regulations adopted by the Mining and Geology Board. Financial assurances shall be made payable to the City of Palmdale and the Department of Conservation (SMARA, Sec. 2773.1(a)(4)).
- B. Financial assurances shall be required to ensure compliance with elements of the reclamation plan including but not limited to revegetation and landscaping requirements; restoration of wildlife habitat; protection of archaeological sites; restoration of water bodies and water quality; slope stability and erosion and drainage control, disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the reclamation plan shall be monitored by the Planning Department.
- C. Financial assurances shall not be released until written notification has been made by the Planning Director to the mining operator and the Director of the Department of Conservation that reclamation has been completed in accordance with the approved reclamation plan (SMARA, Sec. 2773.1(c)).
- D. The amount of financial assurances shall be based upon the estimated costs of reclamation for each year or phase stipulated in the Reclamation Plan, including any irrigation and maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a licensed engineer and/or other qualified professionals retained by the operator; such estimates shall be approved by the Planning Director. Financial assurances may be based upon estimates including but not necessarily limited to the volume of earth moved (cubic yards) for each year or phase of reclamation. Financial assurances to ensure compliance with

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revegetation, restoration of wildlife habitat, and any other applicable element of the reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

- E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by an operator and, consequently, the City or State may need to contract with a third-party commercial company for mobilization and reclamation of the site.
- F. Where reclamation is accomplished in annual increments, the amount of financial assurances required for any one year shall be adjusted annually and shall be adequate to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim reclamation, as necessary, for any partially excavated areas in accordance with the reclamation plan. Financial assurances for each year shall be released upon successful completion of reclamation (including any maintenance required) of all areas that will not be subject to further disturbance and upon the operator filing additional financial assurances for the succeeding year. Financial assurances for all subsequent years of the operation shall be handled in the same manner.
- G. Financial assurances for reclamation that is accomplished in multiple-year phases shall be handled in the same manner as described for annual reclamation.
- H. If a change of ownership occurs, the existing financial assurance remains in force until a replacement financial assurance is approved by the lead agency.

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**Section 102.10 Inspections**

- A. The Planning Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of the annual report required in Sec. 77.07.016(h), to determine whether the surface mining operation is in compliance with the reclamation plan and the state regulations (SMARA, Sec. 2774(b)).
- B. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, or other qualified specialist who has not been employed by the mining operation in any capacity during the previous twelve (12) months, as selected by the Planning Department. All inspections shall be conducted using a form provided by the State Mining and Geology Board. The Planning Department shall notify the Director of the Department of Conservation within thirty (30) days of completion of the inspection that the inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

**Section 102.11 Interim Management Plans**

(See also, Section 102.07. Phasing of Reclamation)

- A. Within ninety (90) days of a surface mining operation becoming idle, as defined in this Article, the operator shall submit to the Planning Department an interim management plan (SMARA, Sec. 2770(h)). The interim management plan shall fully comply with the requirements of SMARA, Sec. 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the conditional use permit and/or Reclamation Plan approval. The interim management plan shall be processed as a minor amendment to the reclamation plan and shall not be



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considered a project for the purposes of environmental review (SMARA, Sec. 2770(h)).

- B. The Director of the Department of Conservation shall have forty-five (45) days to prepare written comments on the interim management plan, if she/he so chooses.
- C. Financial assurances for idle operations shall be continued as addressed in the reclamation plan or as otherwise approved through the idle mine's interim management plan.
- D. Within sixty (60) days of receipt of the interim management plan, or a longer period mutually agreed upon by the Planning Department and the operator, the Planning Director shall review and approve or deny the plan in accordance with this Article. The operator shall have thirty (30) days or a longer period mutually agreed upon by the operator and the Planning Director to submit a revised plan. The Planning Director shall approve or deny the revised interim management plan within sixty (60) days of receipt. If the Planning Director denies the revised interim management plan, the operator may appeal that action to the Planning Commission.
- E. The interim management plan may remain in effect for a period not to exceed five (5) years, at which time the Planning Commission may renew the plan for another period not to exceed five (5) years or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

#### **Section 102.12 Time Limit for Commencement of a Conditional Use Permit for Surface Mining Operations**

The time limit for commencing a surface mining operation that is permitted pursuant to this Section shall be as specified in the conditions of approval for the approved conditional use permit.



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**Section 102.13 Modifications to Reclamation Plans**

Requests for modifications of approved reclamation plans shall be processed in the same manner as original applications for reclamation plan reviews unless they are determined to be minor modifications. Applications for minor modifications may be submitted in connection with the following, as long as it is not incompatible with existing conditions and/or plans.

- A. To allow the minor recontouring of final topography, providing slope stability is maintained and substantiated; effecting no more than 10% of the site.
- B. To allow minor modification or addition of site access.
- C. To allow a minor substitution in the Reclamation Plan, provided it does not substantially alter the intended end use described in the approved Reclamation Plan.
- D. To allow minor technological and/or administrative changes in methods used to achieve reclamation.
- E. To allow measures to be taken which will ensure and/or maintain public safety (e.g. fences, gates, signs, or hazard removal) provided it does not substantially alter the intended end use described in the approved Reclamation Plan.
- F. To allow minor modifications to a previously approved phasing plan.
- G. To allow interim management plans.

**Section 102.14 Violations and Penalties**

If the Planning Department, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Article, the applicable permit and/or the Reclamation Plan,

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the City may follow the administrative procedures set forth in SMARA, Sections 2774.1 and 2774.2 concerning violations and penalties, including penalties assessed for late reporting pursuant to P.R.C. Section 2207; however, such remedy is in addition to all of the provisions and remedies of this Code, State law, and any law cognizable at common law or in equity, and nothing in this Article shall be interpreted or construed to supersede or limit any and all other remedies, whether administrative, civil or criminal. *(Zoning Ordinance Amendment 97-2 adopted by City Council June 11, 1997.)*

#### **Section 102.15 Fees**

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Article and the State Regulations, including but not limited to processing of applications, annual reports, inspections, monitoring, enforcement and compliance.



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